



MESSAGES OF THE PRESIDENT GLORIA MACAPAGAL-ARROYO

2001-2010

BOOK 14 | VOLUME 5

Administrative Orders



President Gloria Macapagal-Arroyo, Fourteenth President of the Philippines
and Fourth President of the Fifth Republic.



MESSAGES OF THE PRESIDENT

GLORIA MACAPAGAL-ARROYO

2001-2010

BOOK 14 | VOLUME 5
Administrative Orders

Messages of the President Book 14: Gloria Macapagal-Arroyo Volume 5

Presidential Communications Development and Strategic Planning Office

<http://www.gov.ph>

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INTRODUCTION

As the President's chief message-crafting body, the Presidential Communications Development and Strategic Planning Office (PCDSPO), is mandated to provide strategic communication leadership and support to the Executive Branch, its composite agencies, and instrumentalities of government.

The PCDSPO is also mandated to act as custodian of the institutional memory of the Office of the President. One of our projects is the continuation of the series of books called the Messages of the President, started in 1936 by Jorge B. Vargas, Executive Secretary to President Manuel L. Quezon. The series was a wide collection of executive issuances, speeches, messages, and other official papers of the President. The volumes were intended to serve as the definitive compilation of presidential documents. The series was continued until the Quirino administration, although the series for the Presidential administrations of Presidents Quezon, Roxas, and Quirino were never completed.

In 2010, President Benigno S. Aquino III ordered the revival of the series and the constitution of a complete set, covering all 15 presidential administrations. With pride, we continue what Vargas began.

We would like to extend our gratitude to our partners for without whose gracious cooperation, this project would have not been possible.

A note on organization: Each presidential administration's messages are in book form, compiled and subdivided into volumes. The books are as follows:

- Book 1: Emilio Aguinaldo
- Book 2: Jose P. Laurel
- Book 3: Manuel L. Quezon
- Book 4: Sergio Osmeña
- Book 5: Manuel Roxas
- Book 6: Elpidio Quirino
- Book 7: Ramon Magsaysay
- Book 8: Carlos P. Garcia
- Book 9: Diosdado Macapagal
- Book 10: Ferdinand E. Marcos
- Book 11: Corazon C. Aquino
- Book 12: Fidel V. Ramos
- Book 13: Joseph Ejercito Estrada
- Book 14: Gloria Macapagal-Arroyo
- Book 15: Benigno S. Aquino III

Each book is subdivided into the following volumes:

- Volume 1: Official Week/Month in Review
 - Volume 2: Appointments and Designations
 - Volume 3: Historical Papers and Documents
 - Volume 4: Executive Orders
 - Volume 5: Administrative Orders
 - Volume 6: Proclamations
-

Volume 7: Other issuances

Volume 8: Cabinet minutes

We hope that this collection will be a useful and vital reference for generations to come.

PREFACE

On July 30, 2010, President Benigno S. Aquino III issued Executive Order No. 4, which effectively renamed what was previously called the Malacañang Museum into the Presidential Museum and Library (PML) and placed it under the supervision and control of the Presidential Communications Development and Strategic Planning Office (PCDSPO). The PML is responsible for preserving, managing, and promoting the history and heritage of the Philippine presidency. It is the principal historical and artistic repository in support of the institution of the presidency, for the benefit of the Republic and the Filipino people. In partnership with the PCDSPO, which has pioneered the publication of the Official Gazette of the Republic of the Philippines as a web archive and information website, the PML has taken this mandate and placed it on the cutting edge of the information age.

Much has been done over the past years, under the administration of President Aquino III, to digitize executive issuances, speeches, letters, and other presidential papers; and publish them online. The project is not limited to a single administration, nor does it discriminate. This collection, published as databases, as well as print and e-publications, includes documents from the presidency of Emilio Aguinaldo to the current Aquino administration. This represents the government's allegiance to transparency, continuity, and the fostering of an informed citizenry, as well as an effort, in earnest, to preserve the institutional memory of the Presidency. All this was done not just for the posterity, but for the current generation and the ongoing task of nation building.

The PML are proud partners of the Official Gazette and PCDSPO team, to whom we made the collections available. We sincerely hope that this series will serve as a vital reference to educators, students, journalists, lawyers, historians, and the public at large.

FOREWORD

This is the fifth volume of President Joseph Ejercito Estrada's official papers, which constitutes the 13th book of the Messages of the President series. The series was started in 1936 by Executive Secretary Jorge B. Vargas, during the first year in office of Manuel L. Quezon, the first President of the Commonwealth of the Philippines. This volume collects President Estrada's Administrative Orders, which relate to particular aspects of governmental operations in pursuance of the President's duties as administrative head of the Executive Department.

BOOK 14

PRESIDENT GLORIA MACAPAGAL-ARROYO

President Gloria Macapagal-Arroyo was the fourteenth President of the Philippines and was the fourth President of the fifth Republic. She assumed office on January 20, 2001, serving the remainder of the term of her predecessor Joseph Ejercito Estrada. President Gloria Macapagal-Arroyo was re-elected to a full second term in May 10, 2004. She was President until June 30, 2010.

The Executive Issuances of President Gloria Macapagal-Arroyo began with Memorandum Circular No. 1 signed on January 30, 2001 and ended with Proclamation No. 2111 and Executive Order No. 910 which were both signed on June 29, 2010.

President Gloria Macapagal Arroyo's documents were gathered from its official sources such as the Official Gazette of the Philippines; Malacañang Records Office's Book of Executive Issuances; SONA Technical Report; A Compilation of Selected Presidential Speeches of Her Excellency President Gloria Macapagal-Arroyo; Strong Republic: Selected Speeches of President Gloria Macapagal-Arroyo; and from the website archive.org.

The American Psychological Association (APA) style was used for the citation. The titles that have been provided by the researchers are enclosed in square brackets, considering that the exact wordings and its order were not verbatim from the document being described. Book titles are italicized while the speech titles are not. If in any case that the book title is the same as the title of the speech, it is transcribed in italics because it is the book title.

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President Gloria Macapagal-Arroyo salutes the Tomb of the Unknown Soldier during the All Saints Day mass held at Libingan ng mga Bayani, Fort Bonifacio, Taguig, on November 1, 2007.



MESSAGES OF THE PRESIDENT

GLORIA MACAPAGAL-ARROYO

2001-2010

BOOK 14 | VOLUME 5
Administrative Orders



The Seventh State of the Nation Address of President Gloria-Macapagal-Arroyo, delivered on July 23, 2007 at Batasang Pambansa, Quezon City.

ADMINISTRATIVE ORDERS

An Administrative Order relates to particular aspects of governmental operations in pursuance of the President's duties as administrative head of the Executive Department. The Administrative Orders of President Gloria Macapagal-Arroyo began on January 22, 2001 with Administrative Order No. 1 and ended on June 11, 2010 with Administrative Order No. 288.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 1
PROHIBITING PUBLIC OFFICERS AND EMPLOYEES FROM ENTERING INTO CERTAIN
KINDS OF OFFICIAL TRANSACTIONS WITH REAL, PRETENDED OR IMAGINARY
RELATIVES OF THE PRESIDENT

I, **GLORIA MACAPAGAL-ARROYO**, President of the Philippines, by virtue of the powers vested in me by law, do hereby prohibit all officers and employees of the Government holding positions of trust and responsibility from dealing directly or indirectly with any of my relatives or the relatives of **ATTY. JOSE MIGUEL T. ARROYO**, whether by consanguinity or affinity, and whether real, pretended, or imaginary, in matters relating to contracts where the Government or any of its subdivisions, agencies or instrumentalities is a party, or to the procurement or purchase of property, supplies and materials, appointment of government personnel, recommendations for positions, or any other matter calling for action or decision.

This Order shall be without prejudice to the application of the provisions of Section 5 of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act as well as other similar laws.

Any officer or employee of the Government, including those of the corporations owned or controlled by the same, violating this order shall be dealt with accordingly.

Done in the City of Manila, this 22nd day of January, in the year of Our Lord, Two Thousand and One.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **RENATO S. DE VILLA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2001). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 2
CONSTITUTING A PUBLIC ACKNOWLEDGEMENT COMMITTEE FOR THE PARTICIPANTS
OF EDSA II

WHEREAS, different sectors of society all over the country played significant roles in working for the peaceful and Constitutional transition of power from the previous administration to this administration;

WHEREAS, several individuals, organizations, communities, associations and government workers and officials have shown their unwavering courage, nationalism and patriotism through their participation in the EDSA II people power activity;

WHEREAS, it is essential that the participation of several individuals, organizations, communities, associations and government workers and officials be recognized and be made examples of acts of patriotism and nationalism;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order and direct:

SECTION 1. Creation. – There is hereby constituted a Committee on the Public Acknowledgement of players in the transition of impeachment/resign efforts that led to the peaceful transfer of powers.

SEC. 2. Composition. – The Committee shall be composed of the Secretary of the Department of Social Welfare and Development as Chairperson and the following members:

Secretary of Interior and Local Governments – Vice Chairperson
Lead Convenor, National Anti-Poverty Commission
Two (2) representatives from the private sector
Other sectors as may later be determined by the Committee.

The representatives of the private sector shall be appointed by the President upon the nomination by the Chairperson of the Committee.

In the performance of its duties and responsibilities, the Committee shall consult with different sectors of society and with government entities and officials who played a role in the EDSA II. The Committee shall also solicit suggestions and recommendations from as many sources as possible. The Committee shall exert all possible efforts to draw in the suggestions and recommendations on activities and contributions by civil society from other regions and provinces.

SEC. 3. Functions. – The Committee has the following duties and responsibilities:

- a) Prepare the list of men and women and organizations, associations who will be accorded recognition for their participation in the peaceful transfer of power;
- b) Conduct consultations and receive suggestions and recommendations on the possible awardees or people to be recognized;

- c) Prepare a program for the recognition activity and coordinate with the EDSA commission for this purpose;
- d) Perform such other function as may be assigned by the President.

The Committee may call upon any department, agency and government instrumentality to assist it in the performance of its duties and responsibilities.

SEC. 4. Funding. – Funds necessary for the attainment of the objectives of this Order shall be set aside by the Department of Budget and Management from the Presidential Social Fund. The Committee is also empowered to receive donations from private institutions, subject to the pertinent accounting and auditing rules and practices.

SEC. 5. Effectivity. – This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 20th day of February, in the Year of Our Lord, Two Thousand and One.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **RENATO S. DE VILLA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2001). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 3

PROHIBITING THE ACQUISITION AND USE BY GOVERNMENT OFFICES OF LUXURY VEHICLES AND DIRECTING ALL HEADS OF NATIONAL GOVERNMENT OFFICES, GOVERNMENT OWNED OR CONTROLLED CORPORATIONS (GOCCs), GOVERNMENT FINANCIAL INSTITUTIONS (GFIs), STATE UNIVERSITIES AND COLLEGES (SUCs) AND LOCAL GOVERNMENT UNITS (LGUs) TO SURRENDER AND/OR DISPOSE OF GOVERNMENT-OWNED LUXURY VEHICLES

WHEREAS, the current Administration adheres to the principle that public office is a public trust and is determined to deliver on its commitment of good governance in the exercise of its mandate;

WHEREAS, inherent in good governance is the judicious and responsible stewardship in the utilization of the government's resources;

WHEREAS, the use of luxury vehicles by government offices and officials is inconsistent with responsible stewardship of government resources, particularly in the light of the country's economic problems and widespread poverty of the people;

WHEREAS, the government must set the moral tone and economic austerity standard for the country;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

1. All government offices, including GOCCs, GFIs, SUCs and LGUs, (hereinafter collectively referred to as "Government Offices") are hereby prohibited from acquiring or using luxury vehicles for its operations.

2. For purposes of this Order, a "luxury vehicle" shall refer to any passenger motor vehicle (a) priced in the local market at P1.3 million or more at the time of acquisition, or (b) with the following engine displacement specifications:

- 2.1. Car (sedan or hatchback) with an engine displacement exceeding 2200 cc. if gasoline-fed or 3000 cc. if diesel-fed;
- 2.2. Passenger van or pick-up with an engine displacement exceeding 2200 cc. if gasoline-fed or 3000 cc. if diesel-fed;
- 2.3. Passenger wagon with an engine displacement exceeding 1800 cc. if gasoline-fed or 2500 cc. if diesel-fed; and
- 2.4. Sport utility vehicle (SUV) with an engine displacement exceeding 2700 cc. if gasoline-fed or 3000 cc. if diesel-fed.

3. In this connection, all Government Offices are hereby directed to account for all their motor vehicle units and prepare a disposal program for all luxury motor vehicles. This directive covers all vehicles nationwide.

3.1. All Government Offices utilizing luxury vehicles from the Bureau of Customs (BOC) shall return the same to the BOC within 15 days from issuance of this Order.

3.2. All Government Offices utilizing luxury vehicles borrowed from other offices/agencies other than the BOC shall return the same to their original office/agency within 15 days from issuance of this Order.

3.3. If such luxury vehicles are not so returned, the BOC or original office/agency concerned are hereby directed to obtain possession of the vehicle in the appropriate manner.

4. The BOC and the government office/agency concerned shall proceed to immediately dispose of such vehicles by public auction or sale in compliance with the applicable law, rules and regulations.

5. All proceeds from such auction or sale shall be turned over to the National Treasury in the case of national government offices/agencies, to their respective operating funds in the case of GOCCs and GFIs, and to their respective local funds in the case of LGUs.

6. The following vehicles are not covered by this Order:

6.1. Those used for security reasons and purposes for the President, Vice-President, Senate President, Speaker of the House of Representatives and Chief Justice of the Supreme Court;

6.2. Vehicles donated by foreign governments and bilateral and multilateral institutions, if compliance with this Order is violative of the terms and conditions of such donation;

6.3. Vehicles acquired for ongoing projects funded from existing official development assistance programs;

6.4. Vehicles used for visiting foreign dignitaries maintained by the Office of the President (Malacañang) and the Department of Foreign Affairs.

7. Compliance with this Order, including final disposition of covered luxury vehicles and turnover of proceeds shall be completed within 60 days from date of issuance hereof.

8. All heads of Government Offices shall promptly submit an appropriate report to the President, through the Executive Secretary, of compliance with this Order.

9. Henceforth, all acquisitions and use of vehicles shall strictly be in accordance with National Budget Circular No. 446-A or any amendment thereto issued by the Department of Budget and Management (DBM), if need be, with this Order.

DONE in the City of Manila, this 27th day of February, in the year of our Lord, two thousand and one.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) RENATO S. DE VILLA

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2001). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 4
DIRECTING THE RATIONALIZATION OF THE ACQUISITION, DEPLOYMENT, UTILIZATION
AND DISPOSITION OF MOTOR VEHICLES FOR GOVERNMENT OPERATIONS

WHEREAS, the newly constituted Administration is committed to institute economy and efficiency in government spending and utilization of its resources;

WHEREAS, a rationalized acquisition, deployment, utilization, and disposition of government motor vehicles is one of the economy measures that will support this current thrust of the Administration;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *General Policy.* A rational acquisition, deployment, utilization, and disposition of motor vehicles in National Government offices, including government-owned and/or controlled corporations (GOCCs), government financial institutions (GFIs), and state universities and colleges (SUCs), is hereby ordered to be instituted.

Only motor vehicles deemed necessary and appropriate for the performance of government official functions and activities requiring transport services shall be allowed.

SEC. 2. *Necessary and Appropriate Motor Vehicles.* The Department of Budget and Management is hereby directed to review and recommend revisions as necessary in National Budget Circular (NBC) No. 446 dated 24 November 1995, as amended by NBC No. 446-A dated 30 January 1998, to ensure that the same reflects the drive for greater economy and frugality in government spending. Until such revision, the acquisition, deployment, and utilization of motor vehicles shall strictly be based on the provisions and specifications prescribed in said NBC No. 446, as amended by NBC No. 446-A.

SEC. 3. *Comprehensive Inventory of Motor Vehicles.* All Heads of Departments and other National Government offices, including GOCCs, GFIs, and SUCs are hereby required to submit a comprehensive inventory of their motor vehicles, exclusive of those that are distinctly military or police vehicles used by AFP or PNP units, which were acquired or are being maintained/utilized in the implementation of government programs, projects and activities, as of 31 January 2001.

The comprehensive inventory of motor vehicles shall be submitted to the Department of Budget and Management not later than 15 March 2001.

SEC. 4. *Government Motor Vehicle Rationalization Plan.* The Executive Secretary and the Secretary of Budget and Management are hereby directed to prepare a government motor vehicle rationalization plan within thirty (30) days after receipt of all motor vehicle inventories.

Said plan shall contain, among others, a detailed profile of the motor vehicle fleet of government agencies, and appropriate recommendations for disposition such as auction/sale and redeployment/transfer to other agencies, with full consideration of revenue proceeds and budgetary impact.

SEC. 5. *Accountability.* Heads of departments and agencies concerned shall be accountable for the strict compliance with and implementation of this Order.

SEC. 6. *Effectivity.* This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 27th day of February, in the year of Our Lord, two thousand one.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **RENATO S. DE VILLA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2001). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 5
ADOPTION OF FISCAL DISCIPLINE MEASURES IN THE PUBLIC SECTOR FOR FY 2001

WHEREAS, the government aims to restore fiscal discipline to sustain economic recovery and improve investor confidence in the country;

WHEREAS, guarantee calls from BOT projects and larger interest payment and account payable obligations have emerged, adding further pressure on the government's available resources;

WHEREAS, the magnitude of the fiscal deficit problem necessitates intensive efforts on both the revenue generation and expenditure reduction fronts, and calls for the concerted action of all public sector entities, including government corporations and local governments;

WHEREAS, all public sector entities will have to implement fiscal discipline measures and review their spending programs to improve operating efficiencies and enhance their capacity to raise income and remit funds promptly to the national treasury as mandated by laws and other issuances;

WHEREAS, there is a need to review ongoing programs and projects in order to minimize the implementation of ineffective and inappropriate programs/projects to improve the focusing of scarce resources on the priority concerns of poverty reduction, global competitiveness and effective governance;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order and direct:

SECTION 1. All National Government Agencies (NGAs), Government-Owned and Controlled Corporations (GOCCs), Government Financial Institutions (GFIs) and Local Government Units (LGUs) are directed to fully comply with laws and issuances requiring the prompt remittance of fees and other income, guarantee fees and other obligations to the Bureau of the Treasury, as well as the remittance of tax obligations to the Bureau of Internal Revenue and the Bureau of Customs. They shall also fully comply with the requirements of the following:

- (1) Republic Act No. 7656 approved on November 9, 1993 which directs GOCCs and GFIs to remit dividends to the Treasury amounting to at least fifty percent (50%) of their annual earnings. The Department of Finance shall, however, exercise its authority to mandate larger dividend remittances in the form of cash dividends based on its review of the financial conditions of said agencies;
- (2) Executive Order No. 338 issued on May 17, 1996; and
- (3) Executive Order No. 197 issued on January 13, 2000.

SEC. 2. The Department of Finance (DOF) and the Department of Budget and Management (DBM), in coordination with NGAs, GOCCs, and GFIs concerned, shall review the legal basis/authority of existing Special Accounts in the General Fund, Trust Liability Accounts and Authorizations to Use Income to determine whether or not the purpose for which such funds/authorizations were created has

been realized and accordingly recommend to the Office of the President those which may be abolished/discontinued.

SEC. 3. All NGAs, GOCCs, and GFIs shall generate savings equivalent to at least ten percent (10%) of non-personal services expenditures based on the 2000 reenacted budget or corporate operating budget. Agencies under the social services sector, and those providing tourism and agrarian reform services shall, however, implement expenditure reduction measures equivalent to five percent (5%) of non-personal services budget.

SEC. 4. In generating the above savings target, all the above agencies shall endeavor to source the savings from the reduction of items which do not directly support the attainment of desired sector outcomes. They may therefore consider reducing the following:

- (1) donations, contributions, grants and gifts;
- (2) expenditures for consultancy services regardless of fund source, except those directed towards the government's institutional reform efforts;
- (3) expenditures for trainings/seminars/workshops. Those to be conducted by public entities shall be done in a simple and cost effective manner;
- (4) volume of consumption of fuel, water, electricity and other utilities;
- (5) expenditures for travelling, unless clearly beneficial to Philippine interests as may be determined by the President of the Philippines in the case of foreign travel of government personnel;
- (6) expenditures for advertisements, publications and related items;
- (7) expenditures for office supplies; and
- (8) expenditures for rents and leases. All NGAs, GOCCs, and GFIs owning buildings with extra office spaces shall share them with those presently renting office space from private owners.

SEC. 5. All NGAs, GOCCs, and GFIs shall suspend the following:

- (1) construction of new buildings for government offices;
- (2) purchase of furniture and fixtures, and motor vehicles not directly supportive of frontline services of the agency; and
- (3) conduct of celebrations, and cultural and sports activities not related to the core functions of the agency.

SEC. 6. Consistent with the streamlining of the bureaucracy and to assist in raising the targeted savings under Section 5, all NGAs, GOCCs, and GFIs are prohibited from implementing the following activities unless covered by available funds and specifically authorized by the Office of the President, as recommended by the DBM:

- (1) operationalization of new agencies/offices;
- (2) expansion of organizational units and/or creation of positions; and
- (3) creation of task forces, inter-agency committees and interim bodies.

SEC. 7. All NGAs, GOCCs, and GFIs are prohibited from undertaking the following to raise savings over and above that mandated under Section 5:

-
- (1) hiring of new personnel, except for:
 - (a) key positions (division chiefs and above);
 - (b) one of a kind position in the agency;
 - (c) positions in schools under the Department of Education, Culture and Sports, Commission on Higher Education, Technical Education and Skills Development Authority, Department of Science and Technology and State Universities and Colleges (SUCs);
 - (d) medical and allied medical positions in hospitals;
 - (e) information technology positions;
 - (f) uniformed personnel in the Department of National Defense, Department of the Interior and Local Government, the Philippine Coast Guard and the National Mapping and Resource Information Authority; and
 - (g) positions in agencies whose staffing patterns have been streamlined and approved by the Department of Budget and Management (DBM) beginning January 1, 2000, provided that only twenty percent (20%) of vacant administrative positions as of the effectivity date of this Order may be filled by new hires.
 - (2) Filling of vacant positions in regional offices of NGAs whose functions have been devolved to Local Governments; and
 - (3) Grant of new/additional/increased allowances/benefits except for step increments based on length of service in accordance with Joint Senate-House of Representatives Resolution No. 1, s. 1994.

SEC. 8. Similarly, as an additional savings measure, low priority programs/activities/projects (PAPs) shall be discontinued or scaled down. For this purpose, the National Economic and Development Authority (NEDA) and the DBM shall conduct Sector Effectiveness and Efficiency Reviews (SEER) in coordination with agencies and departments concerned, in order to assess ongoing and proposed new major programs and projects, more specifically:

- (1) Classify PAPs into three categories: high, medium, low priority in accordance with their appropriateness in meeting sector outcomes;
- (2) Determine which of the low and medium priority PAPs are to be deferred, scaled down or abolished; and
- (3) Identify and adopt measures to address the implementation of on-going high priority projects that are encountering significant problems.

SEC. 9. All NGAs, GOCCs, and GFIs shall each submit to the Office of the President through the DBM, not later than fifteen (15) days after the issuance of this Order, the fiscal discipline measures it shall undertake during the year and an estimate of the revenues and savings to be generated. For GOCCs and GFIs, the information shall be made in the context of the submission of their corporate operating budget. Thereafter, a semestral report on the revenues and savings actually generated shall be submitted.

SEC. 10. Heads of NGAs and the Boards of Director of GOCCs and GFIs shall be responsible for the strict implementation of this Order. Any violation thereof shall be dealt with accordingly.

SEC. 11. The Legislative and Judicial Branches of Government as well as agencies vested with fiscal autonomy and LGUs are enjoined to adopt the provisions of this Order. LGUs are reminded to

adhere to prescribed limits on personal services expenditures in the Local Government Code and shall endeavor to maximize the utilization of twenty percent (20%) of their Internal Revenue Allotments for development projects.

SEC. 12. The DBM shall issue the necessary rules and regulations for the effective implementation of this Order. NEDA, in coordination with DBM, shall issue the specific guidelines on the conduct of SEER.

SEC. 13. This Administrative Order shall take effect immediately upon its approval.

DONE in the City of Manila, this 28th day of February, in the year of Our Lord, Two Thousand and One.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **RENATO S. DE VILLA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2001). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 6

**DELEGATING THE POWERS OF THE PRESIDENT OF THE PHILIPPINES PERTAINING TO
TRAVEL ABROAD AND LEAVES OF ABSENCE OF LOCAL GOVERNMENT OFFICIALS TO
THE SECRETARY OF THE INTERIOR AND LOCAL GOVERNMENT**

WHEREAS, the President exercises general supervision over local governments pursuant to Article X, Section 4, of the Constitution; Book III, Title I, Section 18, of the Administrative Code of 1987; and Section 25 of the Local Government Code of 1991;

WHEREAS, the authority to approve requests of local government officials for permission to travel abroad when the period of travel extends to more than three (3) months; or during periods of emergency or crisis; or when the travel involves the use of public funds is vested in the President under Section 96 of the Local Government Code of 1991;

WHEREAS, the authority to approve the leaves of absence of governors and mayors of highly urbanized cities or independent component cities is vested in the President under Section 47 of the Local Government Code of 1991;

WHEREAS, sound principles of organization demand that the President be able to concentrate her attention upon larger and more important questions of policy and her time be freed, so far as possible, from the consideration of the smaller and far less important details;

WHEREAS, except for acts to be performed by the President personally, the multifarious executive and administrative functions of the President may be performed by and through the executive departments under the control of the President;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *Delegation of authority.* – The authority to approve the following matters is hereby delegated to the Secretary of the Interior and Local Government:

- a. Requests by local government officials for authority to travel abroad when the period of travel extends to more than three (3) months, or during periods of emergency or crisis, or when the travel abroad involves the use of public funds, vested in the President under Section 96 of the Local Government Code of 1991, and such other matters relative to the authority of local government officials to travel abroad vested in the President by law;
- b. Leaves of absence of governors and mayors of highly urbanized cities or independent component cities vested in the President under Section 47 of the Local Government Code of 1991, and such other matters relative to leaves of absence of such local government officials vested in the President by law.

SECTION 2. *Guidelines.* – In line with the austerity measures being undertaken by the government the grant of authority to travel abroad on official time, or when such travel involves the use of public funds, shall be confined to those travels which are urgent and extremely necessary and are expected to bring immediate benefit to the country.

SECTION 3. *Implementing rules and regulations.* – The Secretary of the Interior and Local Government shall promulgate the necessary rules and regulations to implement this Administrative Order taking into account the austerity measures of the government.

SECTION 4. *Repealing Clause.* – All executive orders and other issuances and authorizations not consistent with this Administrative Order are hereby modified or repealed accordingly.

SECTION 5. *Effectivity.* – This Administrative Order shall take effect immediately.

City of Manila, March 7th, 2001.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) RENATO S. DE VILLA

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2001). [*Administrative Order Nos.: 1 - 110-A*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 7
PRESCRIBING RULES ON THE SUBMISSION, REVIEW AND APPROVAL OF GOVERNMENT CONTRACTS

WHEREAS, the Arroyo Administration is committed to a program of good governance;

WHEREAS, good governance requires transparency, impartiality, and accountability in government transactions;

WHEREAS, this Administration is determined to pursue the expeditious implementation of development projects;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Every head of a department or agency shall be responsible and accountable for ensuring that all contracts entered into by the department/agency concerned are in accordance with all existing laws, rules and regulations and are consistent with the spending priorities of government.

SECTION 2. All contracts entered into by departments, bureaus, offices, and agencies of government, including government-owned or controlled corporations and their subsidiaries requiring approval by the President pursuant to existing laws, Executive Order No. 380, S. of 1989 and Memorandum Order No. 266, S. of 1989 shall be submitted to the National Economic and Development Authority (NEDA) Board for review, recommendation, and endorsement to the President for final approval and signature. The NEDA Board shall act on these contracts within a period of thirty (30) days from date of submission.

SECTION 3. In connection with Section 2 above, all contracts requiring approval by the President shall be transmitted to the NEDA Board only after the same have been completely processed by the concerned department or agency and signed by the head of such department or agency, indicating such official's prior and own approval thereof. The head of the department or agency shall further certify that the contract is in accordance with existing laws, rules and regulations.

SECTION 4. All other contracts involving the amount of Php50 million and above shall be submitted to the NEDA Board for information within seven (7) days from the date of signing by the head of the department or agency. Such contracts shall be transmitted to the NEDA Board only after the same have been completely processed by the concerned department or agency and signed by the head of such department or agency, indicating such official's approval thereof. The head of the department or agency shall further certify that the contract is in accordance with existing laws, rules and regulations.

The NEDA Board, through its Chairman or Vice-Chairman, shall formally notify the head of the department or agency concerned, within 15 days of its receipt of a contract submitted under this section, that it has examined and duly noted such contract, together with comments it may have related thereto. Unless otherwise indicated in said notification, the head of the department or agency concerned may, upon receipt of the same and the contract earlier submitted, proceed with implementation of the contract, without prejudice to a further review and monitoring of the same by the NEDA Board.

SECTION 5. All contracts presently being processed/reviewed by the Presidential Management Staff shall be immediately transmitted to the NEDA Board or the concerned department/agency as the case maybe for their expeditious disposition in accordance with this Order.

SECTION 6. The NEDA Board may issue appropriate rules and regulations to implement the provisions of this Administrative Order, including guidelines to ensure the transparency of all contracts entered into by all government agencies.

SECTION 7. The following issuances on the review of contracts are hereby repealed: Memoranda from the President dated 25 August 1998, dated 7 September 1998, dated 25 January 1999, dated 5 February 1999, dated 8 February 1999, dated 10 February 1999, date 23 February 1999, dated 10 June 1999, dated 12 July 1999, and dated 8 February 2000, and Memorandum Circular No. 25 dated 10 February 1999. All other Presidential directives, issuances, orders, rules and regulations or parts thereof inconsistent with this Administrative Order are likewise hereby repealed.

SECTION 8. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 23rd day of March, in the year of our Lord, Two Thousand and One.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **RENATO S. DE VILLA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2001). [*Administrative Order Nos.: 1 - 110-A*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 8
DIRECTING THE SECRETARY OF INTERIOR AND LOCAL GOVERNMENT TO LOOK INTO
THE REPORTED DECLARATION OF A BANGSAMORO REPUBLIC IN THE AUTONOMOUS
REGION OF MUSLIM MINDANAO

The Secretary of Interior and Local Government (SILG) is hereby directed to look into and investigate the reported declaration of a Bangsamoro Republic in the Autonomous Region of Muslim Mindanao.

The SILG is hereby authorized to call upon the Office of the Presidential Adviser on the Peace Process or such other government agency for any assistance he may need in the conduct of his investigation.

Within thirty (30) days from the issuance of this Order, the SILG shall submit to the Office of the President, through the Office of the Executive Secretary, an initial report of his findings.

City of Manila, May 8, 2001.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **RENATO C. CORONA**
Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2001). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 9

DIRECTING THE ORGANIZATION AND IMPLEMENTATION OF ACTIVITIES AND PROGRAMS TO CELEBRATE THE PHILIPPINE INDEPENDENCE DAY ON JUNE 12, 2001 AND CREATING A NATIONAL COMMITTEE TO TAKE CHARGE OF THE CELEBRATION

WHEREAS, there is a need for the Filipino people to commemorate the heroism and self-sacrifice of our forefathers in the struggle for independence;

WHEREAS, the 103rd anniversary of the proclamation of Philippine Independence is the ideal occasion for all Filipinos to unite and rally behind the government and the country's institutions;

WHEREAS, there is a need to properly plan, implement and coordinate all programs and activities leading to the said celebration.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Government shall take the lead in the celebration of Philippine Independence Day with an appropriate, relevant theme to be determined by the National Committee or its Executive Committee which shall be created purposely for the event.

SEC. 2. All departments, bureaus, offices, national government agencies and government-owned and controlled corporations are hereby enjoined to participate in the celebration of Philippine Independence Day in a fitting manner consistent with their respective public service functions and in coordination with the plans of the National Committee or its Executive Committee.

Activities that promote a strong national identity and deepen the spirit of patriotism among Filipinos should be undertaken. There will be cultural festivals, theatrical presentations, symposia, historical tours and/or similar other activities in all regions.

All branches of government are enjoined to participate in the Independence Day celebration as well as to enlist the participation of private sector groups and non-government organizations so that the 103rd Philippine Independence Day celebration will be a true show of unity and strength during these challenging times.

Towards this end, local government units together with the private sector groups and NGOs are enjoined to celebrate Philippine Independence Day in their respective localities.

SEC. 3. A National Committee is hereby created to undertake and/or conduct, in coordination with the local government units and/or agencies involved, the programs and events for the Philippine Independence Day celebration which shall include, to the extent appropriate as determined by the National Committee, the following:

- a. Pambansang Araw ng Watawat (Philippine National Flag Day) on May 28 as the kick-off ceremony for the two-weekend Pagdiriwang ng Malayang Filipino (Philippine Independence Day Festival) on June 2-4 and June 9-12, instant. A special Program on "Paggalang sa Watawat" and "Pagpapahalaga sa Pambansang Awit" will be held on June 11.

- b. Raising of the national flag and wreath-laying at the Rizal monument in the Rizal Park on June 12, 2001 at about 7:00 in the morning.

This activity will be particularly replicated in places of national historical significance such as the Barasoain Church in Malolos, Bulacan; Aguinaldo Shrine in Kawit, Cavite; the Bonifacio Monument in Kalookan City; and the Pinaglabanan Shrine in San Juan, Metro Manila.

All other cities and municipalities around the country are enjoined to simultaneously hold similar activities on the same day and time.

- c. The Philippine Independence Day Parade at the Quirino Grandstand in the afternoon/evening of June 12 which shall be meaningful and relevant to the theme of the celebration. It will be capped by a special cultural program at the same venue.

SEC. 4. The National Committee shall be composed of the following:

Secretary of Tourism	–	Chairperson
Secretary of Education, Culture and Sports	–	Co-Chairperson
Chairman, National Commission for Culture and the Arts	–	Vice-Chairperson
Secretary of the Interior and Local Government	–	Vice-Chairperson
Chairman & Executive Director, National Historical Institute	–	Vice-Chairperson

MEMBERS:

Secretary of National Defense
 Secretary of Foreign Affairs
 Secretary of Finance
 Secretary of Public Works and Highways
 Secretary of Trade and Industry
 Secretary of Budget and Management
 Secretary of Transportation and Communication
 Secretary of Health
 Secretary of Science and Technology
 Secretary of Social Welfare and Development
 Secretary, Presidential Management Staff
 Press Secretary
 Chief of Staff, Armed Forces of the Philippines (AFP)
 Director-General, Philippine National Police
 Chief, Presidential Protocol
 Director-General, Philippine Information Agency
 Chairman, Metro Manila Development Authority (MMDA)
 President, Cultural Center of the Philippines (CCP)
 Executive Director, National Parks and Development Committee (NPDC)
 Governor, Province of Bulacan
 Governor, Province of Cavite
 Mayor, City of Manila
 Mayor, City of Kalookan
 Mayor, Municipality of San Juan
 Mayor, Municipality of Kawit, Cavite
 Chairman, EDSA People Power Commission

President, League of Provinces
President, League of City Mayors
President, League of Municipalities of the Philippines
President, Liga ng mga Barangay

SEC. 5. To assist the National Committee, an Executive Committee is hereby created consisting of the Chairperson, the Co-Chairperson and the Vice-Chairpersons of the National Committee, the Secretaries of Finance, Budget and Management, Public Works and Highways, the Chief of Staff of AFP, the President of CCP, the Executive Director of the NPDC, the Chairman of MMDA, and such other members as the Chairperson may designate, or the duly authorized representatives of such Executive Committee members.

SEC. 6. The National Committee Chairperson is hereby authorized to call upon any department, bureau, office or any instrumentality of the government, including government-owned or controlled corporations and local government units, to extend all necessary assistance to the National Committee or the Executive Committee.

SEC. 7. In support of the 103rd Philippine Independence Day celebration, all concerned government agencies and local government units are, subject to budgetary laws and issuances, authorized to allocate such amounts as may be necessary to defray expenses for the said event.

SEC. 8. The release of **TEN MILLION PESOS (P10,000,000,00)** chargeable against the President's Contingent Fund for FY 2001 (RA 8760 as re-enacted) is hereby authorized to carry out the provisions of this Administrative Order.

Fund augmentation thereon, as may be necessary, shall be sourced from any of the regular items in the 2001 GAA (RA 8760 as re-enacted) or from such other sources as may be determined by DBM and the Executive Committee for the 103rd Philippine Independence Day Celebration.

SEC. 9. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 11th day of May, in the year of Our Lord, two thousand and one.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **RENATO C. CORONA**
Presidential Chief of Staff

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2001). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 10

CREATING AN INTER-AGENCY COMMITTEE TO REVIEW ALL CONTRACTS ENTERED INTO BY NPC PURSUANT TO REPUBLIC ACT NO. 6957 AS AMENDED, OTHERWISE KNOWN AS THE BUILD-OPERATE-TRANSFER (BOT) LAW

Whereas, the National Power Corporation (NPC), in response to the energy crisis has entered into take-or-pay contracts or arrangements of similar nature with Independent Power Producers (IPPs) / Facility Operators pursuant to the BOT Law.

Whereas, these take-or-pay contracts between NPC and the IPPs / Facility Operators are perceived to contain onerous provisions grossly disadvantageous to the government that engendered high electricity rates;

Whereas, the obligations arising from these take-or-pay contracts far exceeded NPC's ability to pay, due to its assumption of currency and market risks;

Whereas, these obligations further accumulated and remained unrecovered resulting into stranded contracted costs of NPC;

Whereas, NPC, saddled with these stranded contracted costs is currently suffering substantial financial losses, which if unabated shall cause its financial collapse;

Whereas, in order to mitigate high electricity rates, stranded contracted costs and save NPC from financial hemorrhage, there is the urgent need to review all contracts of NPC entered into with IPPs / Facility Operators with the end in view of renegotiating the same.

NOW, THEREFORE, I GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order;

SECTION 1. CREATION OF AN INTER-AGENCY COMMITTEE

An Inter-Agency Committee ("the Committee") is hereby created to review all contracts entered into by the National Power Corporation pursuant to Republic Act No. 6957 as amended, otherwise known as the Build-Operate-Transfer (BOT) Law with IPPs / Facility Operators.

SECTION 2. FORMATION/COMPOSITION

The Committee shall be composed of the representatives from the Department of Finance, Department of Energy, Department of Justice, the National Economic Development Authority and the private sector to be appointed by the President.

The representative of the National Economic Development Authority shall act as chair of the Committee with the other departments as members thereof.

The National Power Corporation shall act as the Secretariat of the Committee and provide necessary information, data, documentation, resource persons to fully enable the Committee to perform its functions.

The Committee shall immediately convene upon effectivity of this Administrative Order and shall have a life of six months from the creation thereof, extendible to a reasonable period upon recommendation of the Committee and approval of the Office of the President.

SECTION 3. FUNCTIONS

The Committee shall have the following functions:

1. Conduct a review of all contracts into by NPC pursuant to the BOT Law and identify, among others, contractual provisions that affect electricity rates, relate to stranded contracted costs, require assumption of risks by NPC.
2. Recommend measures that will mitigate NPC's stranded contracted costs, electricity rates and assumption of risks by NPC.
3. Identify the areas of renegotiations with the Independent Power Producers/Facility Operators.
4. Formulate strategies, alternatives and options for renegotiations of NPC's contracts with IPPs/Facility Operators.
5. Direct NPC management to renegotiate its take-or-pay contracts with the IPPs based on the Committee's findings and recommendations.
6. Submit a final report on the results of such renegotiations, to the Office of the President within six months from the time of the Committee's creation.
7. Perform other functions as may be necessary and appropriate to achieve its objectives.

SECTION 4. EFFECTIVITY

This Executive Order shall take effect immediately

DONE in the City of Manila, this 26th day of May, in the Year of our LORD, Two Thousand and One.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **WALDO Q. FLORES**

Senior Deputy Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2001). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 11
CREATING A TEAM TO UNDERTAKE INSTITUTIONAL AND PERFORMANCE AUDIT ON
THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES

WHEREAS, Republic Act No. 8371, otherwise known as “The Indigenous People’s Rights Act of 1997” was enacted to recognize, protect and promote the rights of indigenous cultural communities/ indigenous peoples and created The National Commission on Indigenous Peoples (NCIP) to ensure effective implementation of the Act;

WHEREAS, Executive Order No. 1 created the Office of the Presidential Adviser for Indigenous Peoples’ Affairs to further ensure the effective implementation of the Indigenous People’s Rights Act of 1997 and to address the problems reported by the Presidential Task Force on Indigenous Peoples in their Terminal Report submitted to the President on 25 January 2001;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution and by law, hereby create an Institutional and Performance Audit Team to look into the responsiveness of the National Commission on Indigenous Peoples and the performance of its Commissioners and Officials since the NCIP inception.

SECTION 1. COMPOSITION - The Team shall be composed of the following:

The Secretary of Justice or his duly designated senior representative	–	Chairman
Secretary of the Dept. of Budget and Management	–	Member
The Presidential Adviser on Indigenous Peoples	–	Member
Chairman, Commission on Audit	–	Member
Chairman, Civil Service Commission	–	Member
Representative from Ateneo Human Rights Center	–	Member

SEC. 2. SUBMISSION OF REPORT - The results of the Team’s review, audit and recommendations shall be submitted to the President through the Presidential Adviser on Indigenous Peoples Affairs not later than 15 May 2001.

SEC. 3. SUPPORT - The Presidential Management Staff shall provide technical and administrative support to the Team in the conduct of the audit.

The Secretary of the Department of Justice may also constitute a Technical Working Group to assist the Team in the performance of its mandate.

SEC. 4. EFFECTIVITY - This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 28th day of May, in the year of Our Lord, Two Thousand and One.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) WALDO Q. FLORES
Senior Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2001). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 12

**PRESCRIBING GUIDELINES TO FILL TEMPORARY VACANCIES IN LOCAL ELECTIVE
OFFICES IN CERTAIN AREAS TO PREVENT PARALYZATION OF LOCAL GOVERNMENT
OPERATIONS IN SAID AREAS**

WHEREAS, the term of office of local elective officials elected during the May 11, 1998 elections will expire at noon of June 30, 2001;

WHEREAS, some local elective offices will become temporarily vacant in the event that by noon of June 30, 2001 the Commission on Elections will not proclaim the winning candidates in the May 14, 2001 elections for these local elective offices or declare a failure of elections in some local government units;

WHEREAS, these temporary vacancies in local elective offices will disrupt the delivery of basic services and may paralyze local government operations in said areas, yet neither the existing election laws nor the Local Government Code of 1991 provide guidelines for filling said temporary vacancies;

WHEREAS, in order to avoid the disruption of the delivery of basic services and the paralysis of local government operations in said areas, there is an urgent need for the President to exercise her constitutional powers of appointment and general supervision over local government units;

WHEREAS, similar threats of disruption of the delivery of basic services and paralysis of local government operations after the May 8, 1995 and May 11, 1998 elections were remedied by filling temporary vacancies in local elective offices in accordance with Memorandum Circular No. 123 dated June 30, 1995 and Administrative Order No. 2 dated July 6, 1998, respectively;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution and law, hereby promulgate the following guidelines:

SECTION 1. *Non-Proclamation or Declaration of Failure of Election.*—In the event that the Commission on Elections has not proclaimed by noon of June 30, 2001 the winning candidates for all the local elective offices of a local government unit (LGU) or has declared a failure of election in said LGU, the President may designate Officers-in-Charge (OICs) for the offices of the governor, vice-governor, mayor, vice-mayor and the members of the *sangguniang panlalawigan*, *sangguniang panlungsod* and *sangguniang bayan*; *Provided*, that the OIC must possess all the qualifications and none of the disqualifications prescribed for the corresponding elective office.

SECTION 2. *Partial Proclamation.*—In the event that the Commission on Elections has proclaimed by noon of June 30, 2001 some, but not all, of the winning candidates for the local elective offices of an LGU, the vacant local elective offices in said LGU shall be filled in accordance with the rule on automatic succession as provided under Chapter 2, Title II, Book I of the Local Government Code of 1991.

SECTION 3. *LGU's Within ARMM.*—(a) In the event that the Commission on Elections has not proclaimed by noon of June 30, 2001 the winning candidates for all the local elective offices of an LGU within the Autonomous Region of Muslim Mindanao (ARMM), the ARMM Regional Governor shall designate OICs for the offices of the governor, vice-governor, mayor, vice-mayor and the members

of the *sangguniang panlalawigan*, *sangguniang panlungsod* and *sangguniang bayan* in accordance with Section 1, Muslim Mindanao Autonomy Act No. 40, amending Section 41, ARMM Local Government Code.

- (b) In the event that the Commission on Elections has proclaimed by noon of June 30, 2001 some, but not all, of the winning candidates for the local elective offices of an LGU within the ARMM, the vacant local elective offices in said LGU shall be filled in accordance with the rule on automatic succession as provided under Section 41, Chapter 2, Title II, Book I of the ARMM Local Government Code.

SECTION 4. General Guidelines.—(a) The OIC shall hold office until the Commission on Elections shall have proclaimed the winning candidate for the local elective office and until such winning candidate shall have qualified.

- (b) The OIC in the office of the local chief executive shall perform all the regular duties and responsibilities of such office as provided by law, except the following:

1. Appointment of local government officials and employees; *Provided*, that he may temporarily designate OICs to the existing offices of the provincial/city/municipal administrator and the provincial/city/municipal legal officer, where the terms of the incumbents shall expire, as provided by law, at noon of June 30, 2001; *Provided further*, that the temporary designation of such OICs shall be coterminous with that of the OIC designated by the President to the office of the local chief executive;
2. Suspension or dismissal of local government officials and employees;
3. Creation and filling of positions whether regular, contractual or casual;
4. Reorganization of local government offices;
5. Solemnization of marriages;
6. Revision of duly approved local development plans; and
7. Approval of contracts other than those needed to keep the day-to-day operations going.

- (c) The OICs shall act with the highest degree of integrity, impartiality and fairness at all times.

SECTION 5. Effectivity.—This Administrative Order shall take effect immediately.

DONE in the City of Manila, June 29, 2001.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) ALBERTO G. ROMULO

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2001). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 13

DELEGATING THE POWER OF THE PRESIDENT PERTAINING TO THE ACCEPTANCE OF THE RESIGNATIONS OF PRESIDENTIAL APPOINTEES FROM THE POSITION OF ASSISTANT SECRETARY AND BELOW UNDER THE OFFICE OF THE PRESIDENT PROPER AND ITS ATTACHED AGENCIES TO THE EXECUTIVE SECRETARY

WHEREAS, the executive power is vested in the President of the Philippines pursuant to Article VII, Section 1 of the Constitution;

WHEREAS, the power of control over all the executive departments, bureaus, and offices is vested in the President pursuant to Article VII, Section VII of the Constitution and Book III, Section 1 of the Administrative Code of 1987;

WHEREAS, the appointing power is essentially an executive function pursuant to Book III Chapter 5, Section 16 of the Administrative Code of 1987 which provides, "The President shall exercise the power to appoint such officials as provided for in the Constitution and laws";

WHEREAS, implicit in the power to appoint is the authority of the President to accept the resignations of presidential appointees under the Office of the President and its attached agencies;

WHEREAS, sound principles of organization and governance demand that the President be able to concentrate on more urgent and vital functions;

WHEREAS, the President's multifarious executive and administrative functions may be carried out and performed by and through the executive departments under the control of the President;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *Delegation of Authority.* - The authority to accept the resignations of presidential appointees working under the Office of the President and its attached agencies from the level of Assistant Secretary and below is hereby delegated to the Executive Secretary.

SEC. 2. *Repealing Clause.* - All executive orders and other issuances and authorizations not consistent with this Administrative Order are hereby modified or repealed.

SEC. 3. *Effectivity.* - This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 2nd day of July, in the year of Our Lord, Two Thousand One.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2001). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 14

**ORGANIZING THE INTER-AGENCY COMMITTEE TO REVIEW ALL CONTRACTS
ENTERED INTO BY THE GOVERNMENT WITH INDEPENDENT POWER PRODUCERS AND
REPEALING ADMINISTRATIVE ORDER NO. 10 DATED MAY 26, 2001**

WHEREAS, an Inter-Agency Committee was created pursuant to Administrative Order (A.O.) No. 10 dated May 26, 2001, to review all contracts entered into by the National Power Corporation with Independent Power Producers (IPP);

WHEREAS, subsequently, an inter-agency committee was created pursuant to Section 68 of the Electric Power Industry Reform Act of 2001 (Republic Act No. 9136) to undertake a thorough review of all IPP contracts;

WHEREAS, in view of the inter-agency committee created under the Electric Power Industry Reform Act of 2001, there is no longer a need for the Inter-Agency Committee created under A.O. 10;

WHEREAS, there is a need to organize the inter-agency committee created under the Electric Power Industry Reform Act of 2001.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *Organization of the Inter-Agency Committee.* – The Inter-Agency Committee (“Committee”) created pursuant to Section 68 of the Electric Power Industry Reform Act of 2001, shall be organized as follows:

a. *Composition.* – The Committee shall be composed of the following:

Secretary of Finance	Chairman
Secretary of Justice	Member
Director-General, National Economic and Development Authority	Member

b. *Secretariat.* – The Committee shall establish and maintain a Secretariat which shall provide technical and administrative support to the Committee.

The Secretary of Finance is hereby directed to convene the Committee upon the effectivity of this Order.

SECTION 2. *Functions.* – The Committee shall have the following functions:

- a. Undertake a thorough review of all IPP contracts;
- b. In cases where the IPP contracts are found to contain provisions which are grossly disadvantageous, or onerous to the Government, cause the appropriate government agency to file an action under the arbitration clauses provided in said contracts or initiate any appropriate action under Philippine laws;
- c. Submit reports to the Office of the President on the results of the review of the IPP contracts and any action taken thereon, if any, within six (6) months from the effectivity of this Order and every six (6) months thereafter until the functions of the Committee are fully discharged; and
- d. Perform such other functions as may be necessary and appropriate to achieve its objectives.

SECTION 3. *Rules of Procedure.* – The Committee shall adopt its own rules of procedure in the performance of its functions.

SECTION 4. *Abolition and Repeal.* – The Inter-Agency Committee created under ADMINISTRATIVE ORDER NO. 10 dated May 26, 2001 is hereby abolished and its records shall be transferred to the Committee herein organized. ADMINISTRATIVE ORDER NO. 10 dated May 26, 2001 is hereby repealed. All other orders, rules, regulations and issuances, or parts thereof, which are inconsistent with this Administrative Order, are hereby repealed or modified accordingly.

SECTION 5. *Effectivity.* – This Order shall take effect immediately upon approval.
City of Manila, July 18, 2001.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2001). [*Administrative Order Nos.: 1 - 110-A*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 15
DESIGNATING THE VICE-PRESIDENT TO ACT FOR AND ON BEHALF OF THE PRESIDENT
DURING HER FOREIGN TRIPS

WHEREAS, the designation of the Vice-President to act for and on behalf of the President during her foreign trips will ensure national stability and delivery of basic services;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

1. The Vice-President shall act for and on behalf of the President during the time that she is outside the Philippines.

2. The Executive Secretary and all concerned Departments and agencies shall assist the Vice-President in the discharge of his functions.

3. All acts of the Vice-President for and on behalf of the President during her absence shall be approved directly by the President or through the Executive Secretary.

DONE in the City of Manila, this 6th day of August, in the year of Our Lord, Two Thousand and One.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2001). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 16

**TRANSFERRING THE FUNCTIONS OF THE GOVERNMENT CORPORATE MONITORING
AND COORDINATING COMMITTEE TO THE DEPARTMENT OF FINANCE AND FOR
OTHER PURPOSES**

WHEREAS, the Government Corporate Monitoring Committee established under Executive Order No. 936 dated February 29, 1984, reconstituted as the Government Corporate Monitoring and Coordinating Committee (GCMCC) under Memorandum Order No. 10 dated May 19, 1986, further strengthened under Executive Order No. 236 dated July 22, 1987 and Executive Order No. 55 dated February 8, 1993, and implemented with the guidelines under Memorandum Circular No. 64 dated August 16, 1993, was created to monitor, coordinate, and evaluate principally the fiscal performance of government-owned or controlled corporations (GOCCs);

WHEREAS, under the Administrative Code of 1987, the Department of Finance is mandated to formulate long-range, medium-term and annual plans covering the government's resource mobilization efforts, in coordination with other concerned government agencies, and involving all public sector resources whether generated by revenues and operations, foreign and domestic borrowing, sale or privatization of corporations or assets, or from other sources, and to supervise the implementation of such plans;

WHEREAS, under the Administrative Code of 1987, the Department of Finance is further mandated to review and coordinate the policies, plans and programs of government financial institutions and, thereafter, recommend courses of action consistent with the government's fiscal policies, plans and programs;

WHEREAS, to eliminate redundancies and focus responsibility, there is a need to abolish the GCMCC and transfer its functions to the Department of Finance;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, hereby order:

Section 1. Abolishing the GCMCC. The GCMCC is hereby abolished.

Section 2. Additional Functions of the Department of Finance. The Secretary of Finance is mandated to monitor, coordinate, and evaluate principally the fiscal performance of GOCCs, formulate policies and guidelines, and recommend to the President actions to be taken in relation to GOCC performance.

Accordingly, the functions of the GCMCC as provided under Executive Order No. 936 dated February 29, 1984, Memorandum Circular No. 10 dated May 19, 1986, Executive Order No. 236 dated July 22, 1987, Administrative Order No. 59 dated February 16, 1988, Memorandum Order No. 266 dated November 28, 1989, Memorandum Order No. 320 dated September 21, 1990, and Memorandum Circular No. 64 dated August 16, 1993 implementing Executive Order No. 55 dated February 8, 1993, shall hereafter be performed by the Department of Finance.

Within sixty (60) days from the effectivity of this Administrative Order, the Department of Finance shall review, revise, and consolidate, as may be appropriate, all Presidential issuances regarding the GCMCC and submit the same to the President for approval. As approved, the consolidated functions pertaining to the abolished GCMCC shall thereafter be performed by the Department of Finance.

Section 3. Secretariat and Staff Support. The current secretariat and staff support services of the GCMCC under the Presidential Management Staff is hereby transferred to the Department of Finance.

All funds, appropriations, records, documents, facilities, equipment and other assets of the current GCMCC shall be transferred to the secretariat and staff support at the Department of Finance.

The secretariat and staff support may be augmented as necessary by personnel of the Department of Finance on part-time or full-time detail. The members of the secretariat and staff support on detail shall not receive additional compensation by virtue of their function as such.

Section 4. Government Corporations Covered. Upon approval by the President, all GOCCs, financial and non-financial, shall be subject to the mandate of the Department of Finance under this Administrative Order.

The Department of Finance shall regularly update the formal list of GOCCs subject to its mandate for the approval of the President. The President shall make the final determination of which GOCCs are subject to the mandate of the Department of Finance. For continuity, the current list of GOCCs under the GCMCC shall hereafter be subject to the same mandate under the Department of Finance.

All departments of government, to which a GOCC is attached, shall immediately provide the Department of Finance with a list of the GOCCs so attached.

Section 5. Compensation Structure of GOCCs. In this connection, the Department of Budget and Management shall review the compensation structure of all GOCCs and make its recommendations to the Department of Finance and the President in line with the austerity measures of the government.

Section 6. Reports to the President. The Secretary of Finance shall submit an annual report to the President of the Philippines, within the first quarter following the calendar year for which the annual report is made. The Secretary of Finance shall also make such reports as may be required by the President from time to time.

Section 7. Responsibility for GOCCs. This Administrative Order in no way diminishes the powers and functions of the respective boards of GOCCs, nor of the respective departments of government to which the GOCCs are attached. Respective departments of government to which a GOCC is attached shall remain primarily responsible for the administrative supervision over the performance of GOCCs.

The respective departments or other supervising or oversight bodies of the government to which a GOCC reports may likewise recommend to the Department of Finance such actions relative to a GOCC's performance as they deem necessary.

Section 8. Repeal and Amendment. All orders, letters of instructions, and other administrative issuances, or parts thereof, insofar as they are inconsistent herewith are hereby repealed or modified accordingly.

This Administrative Order takes effect immediately.

DONE in Manila, this 21st day of Aug., in the year of our Lord, Two Thousand and One.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2001). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 17

AUTHORIZING THE VICE PRESIDENT AND CONCURRENT SECRETARY OF FOREIGN AFFAIRS TO PERFORM CERTAIN FUNCTIONS RELATING TO DIPLOMATIC RELATIONS

WHEREAS, sound principles of organization require that the President be able to concentrate her attention upon larger and more important matters of governance;

WHEREAS, the multifarious functions and responsibilities of the President may be exercised and performed through members of the cabinet, save those which by law require personal presidential action;

WHEREAS, one area where delegation of authority may be effected without minimizing in any way its importance is in the matter of granting Agrément;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. In addition to his powers and responsibilities defined under existing statutes, Vice President and concurrent Secretary of Foreign Affairs Teofisto T. Guingona, Jr. is hereby authorized to directly act on and approve requests of foreign governments for the Agrément of the Philippine Government to the nomination of their designated ambassador or chief of mission to the Republic of the Philippines.

SEC. 2. All executive orders and similar issuances and authorizations inconsistent with this Administrative Order are hereby repealed or modified accordingly.

SEC. 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 22nd day of August, in the year of Our Lord, Two Thousand One.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2001). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 18

PROVIDING FOR THE INTEGRATION OF QUALIFIED MEMBERS OF THE CORDILLERA PEOPLE'S LIBERATION ARMY INTO THE ARMED FORCES OF THE PHILIPPINES AND FOR OTHER PURPOSES

WHEREAS, the Government is committed to the peace and development of the Cordillera Administrative Region;

WHEREAS, pursuant to the joint agreement between the Government and the Cordillera People's Liberation Army as expressed in the Joint Statement of the Government Panel and the Cordillera Panel signed at Baguio City on March 27, 1987, Executive Order No. 220 dated July 15, 1987, creating a Cordillera Administrative Region, appropriating funds therefore and for other purposes, was issued;

WHEREAS, Section 6 of Executive Order No. 220 provides that, within the framework of the Constitution and applicable laws, the restoration and maintenance of peace within the Cordilleras shall be a major concern of the Cordillera Administrative Region, that a regional security force shall be organized to assist in the defense and security of the region subject to guidelines issued for this purpose by the President after consultations with the Cordillera Administrative Region, other organizations, and appropriate agencies of the Government, and finally that the defense and security of the region shall be the responsibility of the National Government;

WHEREAS, in view of Section 6 of Executive Order No. 220 and pursuant to a Memorandum of Undertaking executed by and between representatives of the Government and the Cordillera People's Liberation Army on August 11, 1999, there is a need for the immediate integration of qualified members of the Cordillera People's Liberation Army into the Armed Forces of the Philippines;

WHEREAS, the proposed Terms of Reference ("Terms of Reference") for the integration of the Cordillera People's Liberation Army into the Armed Forces of the Philippines have been approved as expressed in a Memorandum dated May 5, 2000 of the Executive Secretary addressed to the Presidential Assistant for North Luzon;

WHEREAS, there is a pressing need to activate six (6) Citizen Armed Force Geographical Units Active Auxiliary Companies and implement livelihood projects to accommodate members of the Cordillera People's Liberation Army who cannot be integrated into the Armed Forces of the Philippines.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Integration. – The Armed Forces of the Philippines (AFP) shall integrate into the regular force an initial two hundred and sixty four (264) members of the Cordillera People's Liberation Army (CPLA). This number shall be composed of fifteen (15) officers and two hundred and forty nine (249) enlisted personnel.

The quota of the 264 CPLA members for integration shall be allocated correspondingly by province in order to ensure proportionate representation. The CPLA will submit a quota allocation duly authenticated by its Chairman, Chief of Staff, or Deputy Chief of Staff.

CPLA members who are not accommodated in the 264 quota allocation for integration into the regular force of the AFP may join the Citizen Armed Force Geographical Units (CAFGU) Active Auxiliary Companies to be organized under Section 6 hereof, in accordance with Executive Order No. 264 dated July 25, 1987 and applicable laws, rules and regulations. The AFP shall allocate one CAFGU Company per province in the Cordillera Administrative Region (CAR).

CPLA members who are not integrated into the AFP or the CAFGU shall be regular members and primary beneficiaries of the CPLA Livelihood Program established under Section 7 hereof. CPLA members who are integrated into the CAFGU may become members of the cooperatives that will be organized under the Livelihood Program but shall be considered as secondary beneficiaries thereof.

SECTION 2. *Phases and Period of Integration.* – The integration of CPLA members into the regular force of the AFP shall be in phases in the following manner:

- a. For officer candidates:
 - i. Processing Phase;
 - ii. Twelve-Month Officer Candidate Course;
 - iii. Three-Year Deployment / Transition Phase; and
 - iv. Full Integration Phase;
- b. For candidate soldiers:
 - i. Processing Phase;
 - ii. Six-Month Basic Military Training Phase;
 - iii. Six-Month On-the-job / Specialization Training Phase;
 - iv. Three-Year Deployment / Transition Phase; and
 - v. Full Integration Phase

SECTION 3. *Ranks and Grades of Integrated Personnel.* – The ranks and grades of officer candidates and candidate soldiers integrated into the AFP shall be subject to existing laws, policies, rules and regulations governing the AFP. Rank precedence, seniority and promotion of officers and enlisted personnel shall be governed by current AFP rules and regulations.

SECTION 4. *Command and Support Relationships.* – The AFP shall organize a Joint AFP/CPLA Secretariat Office (JASCO) to supervise and monitor the implementation of the integration process. JASCO shall be composed of appropriate representatives from the AFP. The CPLA shall be represented in the JASCO. Support, central command and administration functions of the JASCO will be provided for in the rules and regulations to be prescribed under Section 8 hereof.

SECTION 5. *Disposition of Firearms.* – Applicants who voluntarily turnover their firearms shall be compensated in accordance with the AFP *Balik-Baril* Program. These firearms shall be accounted for as government property and may be re-issued to the applicant during training/deployment as members of separate units or CAFGU Active Auxiliary Companies.

SECTION 6. *CAFGU Program.* – The Department of National Defense shall authorize the organization of an additional six (6) CAFGU Active Auxiliary Companies for deployment in the CAR to be sourced from the existing CAFGU Program.

The processing and training of applicants for the CAFGU Active Auxiliary Companies shall be in accordance with the provisions of Executive Order No. 264 dated July 25, 1987 and the Citizen Armed Forces of the Philippines Reservist Act.

The deployment of CAFGU Active Auxiliary Companies shall be on the basis of one (1) Company per province or as may be determined by the highest military commander in the area.

SECTION 7. *Livelihood Program.* – There is hereby established a Livelihood Program for the CPLA. The following executive departments/agencies shall coordinate with and assist the CPLA in the development and implementation of the Livelihood Program:

- a. Department of Agriculture;
- b. Department of Agrarian Reform;
- c. Department of Environment and Natural Resources;
- d. Department of Trade and Industry;
- e. Department of Tourism;
- f. Department of the Interior and Local Government;
- g. Department of Public Works and Highways;
- h. Cooperative Development Authority;
- i. Technical Education and Skill Development Authority; and
- j. Technology and Livelihood Resources Center.

The Secretary of National Defense shall establish a Project Management Office (PMO) attached to the Department of National Defense to provide continuity in day-to-day management of the various projects under the Livelihood Program, particularly during its first three (3) formative years to ensure project survival and viability. The PMO shall assist in organizational work provide coordinative services with government agencies, and provide administrative services for the management of CPLA projects.

SECTION 8. *Rules and Regulations for Integration.* – The Secretary of National Defense shall prescribe the rules and regulations for the integration of CPLA members into the AFP in accordance with existing laws and policies pertaining to the AFP taking into account the Terms of Reference. In the interest of facilitating the entry of CPLA members into the AFP, height, educational attainment, age and civil status requirements may be waived by the Secretary of National Defense subject to existing rules and regulations.

The PMO shall prescribe the rules and regulations for the effective implementation of the CPLA Livelihood Program.

SECTION 9. *Funding.* – The Department of Budget and Management is hereby directed to release to the AFP an initial funding of Five Million Pesos (P5,000,000.00) to support the processing and training of the 264 CPLA integrees into the AFP. The remaining budgetary requirement for CY 2002 of the whole program shall be sourced later from available funds from the President's Contingency Fund of the same year or other sources to ensure the continuity of the program. Thereafter, appropriations for the continued implementation of the integration program shall be included in the annual general appropriations fund to be submitted to Congress for CY 2003, 2004, and 2005.

SECTION 10. *Effectivity.* – This Administrative Order shall take effect immediately upon approval.

City of Manila,
AUG 31 2001

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By authority of the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2001). [*Administrative Order Nos.: 1 - 110-A*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 19
REQUIRING ALL GOVERNMENT AGENCIES AND INSTRUMENTALITIES TO SEEK
APPROVAL OF THE DEPARTMENT OF FINANCE PRIOR TO ENTERING INTO
NEGOTIATIONS FOR FOREIGN CURRENCY DENOMINATED LOANS

WHEREAS, owing to the need to coordinate the government's foreign currency denominated borrowing, Letter of Instructions No. 158 dated January 1974, requires all proposals of the Government, its agencies and government financial institutions to be submitted to the Monetary Board for the latter's approval in principle prior to the commencement of actual negotiations, in which the Secretary of Finance and the Central Bank (now Bangko Sentral ng Pilipinas) Governor act as co-chief negotiators;

WHEREAS, pursuant to Title II, Chapter I, Section 2 of the Administrative Code of 1987, on judicious management of government's financial resources, the Department of Finance is tasked with the review, approval, and management of all public sector debt, whether foreign or domestic, to ensure that all borrowed funds are effectively utilized and promptly serviced by the government;

WHEREAS, recognizing the Department of Finance's authority over fiscal matters, Republic Act No. 7653 ("The New Central Bank Act") requires that, prior to conducting credit operations abroad, the government shall, through the Secretary of Finance, request the opinion in writing of the Monetary Board on the transaction's monetary implications;

WHEREAS, it has been observed that some governmental entities enter into foreign currency loan negotiations without prior clearance from the Secretary of Finance, thus resulting in obligations that may hamper the sound management of fiscal resources.

NOW THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

- 1. Compliance requirements.** – Prior to entering into negotiations for loans denominated in a foreign currency, all government agencies and instrumentalities, including government owned and controlled corporations (GOCCs), government financial institutions (GFIs), and local government units (LGUs) must submit the loan proposal to the Secretary of Finance for his approval in principle.
- 2. Negotiation of foreign currency denominated loans.** – In all instances where the agreement or contract entails a foreign currency denominated loan the Secretary of Finance shall, together with the Governor of the Bangko Sentral ng Pilipinas, or their authorized representatives, lead the negotiations for such loans. They shall be accompanied in this endeavor by the representatives of the concerned government agency, GOCC, GFI or LGU.
- 3. Reporting requirements.** – At least two months before the beginning of each fiscal year, all concerned shall submit their annual borrowing programs to the Secretary of Finance.

4. **Assistance from all government entities.** – All government offices, agencies and instrumentalities are hereby directed to extend assistance and cooperation as may be needed in the implementation of this Order.
5. **Repealing clause.** – All executive orders, department orders and administrative issuances inconsistent with this Order are hereby repealed or modified accordingly.
6. **Effectivity.** – This Administrative Order shall take effect immediately.

Done in the City of Manila, on this 26th day of October, in the year Our Lord, two thousand and one.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2001). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 20

IMPOSING UPON FORMER COMMISSIONER EDGARDO L. MENDOZA OF IMMIGRATION AND DEPORTATION THE PENALTIES OF CANCELLATION OF CIVIL SERVICE ELIGIBILITY AND FORFEITURE OF LEAVE CREDIT, IF ANY, AS WELL AS DISQUALIFICATION FOR RE-EMPLOYMENT/REINSTATEMENT IN THE GOVERNMENT SERVICE, AS ACCESSORY PENALTIES TO DISMISSAL FROM THE SERVICE FOR CAUSE.

This refers to the complaint filed directly before the Presidential Commission Against Graft and Corruption (PCAGC) against former Commissioner Edgar L. Mendoza of the Bureau of Immigration and Deportation (BID) for violation of Section 3(a) and (e) of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act, and Section 2 and 4 of Republic Act No. 7438.

In an amended complaint of February 7, 1997, complainant alleged that immigration agents, acting under the instructions of respondent, arrested three (3) aliens, Kato Kenji, (Japanese National), Ronald Mark Edgar, (Australian National) and Shahaz Hussain Shahid (Pakistan National) for violation of Section 37(a) (7) (overstaying) of the Philippine Immigration Act of 1940, as amended, without a final order of deportation issued by the Board of Commissioners (BOC) and the subsequent warrant of deportation issued by the Bureau of Immigration.

As recited in PCAGC resolution dated March 24, 1998, the following are the factual antecedents, to wit:

“By reason of the arrests, the above-named aliens were ordered detained and deprived of their liberty even without their waivers for their detention.

“Furthermore, the amended complaint alleges that, in what appeared to be custodial investigation, the detained aliens were not informed of their right to remain silent and right to counsel of their own choice. Neither was there a custodial investigation report as required by law.

“In compliance with the order of this Commission, respondent on May 2, 1997 filed his counter-affidavit denying the charges as ‘pure harassment’ and alleging: (a) that the above-named aliens were ‘overstaying aliens’ from the day following the last day of their authorized stay, they were, at the time of their arrest, ‘openly and continuously’ violating the immigration laws; (b) that in accordance with Sec. 5, Rule 13 of the Rules of Court, under certain conditions, arrest without warrant ‘is justified’; (c) that the department of Justice in a Memorandum dated October 15, 1976, recognizes the validity of warrantless arrest of aliens, the same ‘memorandum merely reminded the Bureau to be more cautious in enforcing the same’; and (d) that as regards the allegation of failure to comply with the requirement of custodial investigation, respondent asserted that the hearing officer was an experienced investigator and conversant with the

procedures and he engaged the presumption of the regularity in the performance of official function.

“On August 8, 1997, the case referred to the Secretary of Justice for his comment forwarding to him the records of the case consisting of three hundred ninety one (391) pages, and on February 20, 1998, the Department of Justice citing the case of ‘Board of Commissioners (CID) vs. dela Rosa’ (197 SCRA 853) found among other things, that ‘the arrest of Kenji Kato, Ronald Mark Edgar and Shahaz Hussain Shahid, all foreign nationals, by immigration authorities are not valid because they were made without proper warrants and without a prior determination by the Board of Commissioners of their deportability.’

“Obviously, therefore, respondent Edgar L. Mendoza, Commissioner of the Bureau of Immigration, by ordering agents of the Bureau of Immigration to arrest the above-named foreign nationals without the requisite ‘final order issued by the Board of Commissioners’ for their deportation, he is guilty of violating Sec. 3(a) and (e) of Republic Act 3019 as amended, otherwise known as the Anti-Graft and Corrupt Practices Act.

“Sec. 3, pars. (a) and (e) of Republic Act 3019 as amended read as follows:

‘Sec. 3. Corrupt Practices of Public Officers- In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful.

‘a) Persuading, inducing or influencing another public officer to perform an act constituting a violation of rules and regulations duly promulgated by competent authority or an offense in connection with the official duties of the latter, or allowing himself to be persuaded, induced, or influenced to commit such violation or offense.

‘b) x x x

‘e) Causing any undue injury to any party, including the government or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices on government corporations charged with the graft and licenses or permits or other concessions.’

“In the case of *Salazar vs. Achacoso*, 183 SCRA 145, the Supreme Court categorically stated thus –

‘x x x it is only a judge who may issue warrants of search and arrest” and reaffirming the following principles

1. Under Article III Sec. 2 of the 1987 Constitution, it is only judges and no other, who may issue warrants of arrests and search;
2. The exception is in cases of deportation of illegal and undesirable aliens, whom the President or the Commissioner of Immigration may

order arrested, following a final order of deportation for the purpose of deportation.”

“xxx

xxx

xxx

“Respondent is guilty of grave misconduct the penalty of which is dismissal from the service with the following accessory penalties: (a) cancellation of civil service eligibility; (b) forfeiture of leave credits and retirement benefits; and (c) disqualification for reemployment in the government service (Section 9, Rule XVI of the Omnibus Civil Service Rules and Regulations).

“By the standard of the Revised Penal Code, such acts or omissions are considered grave felonies as the law attaches thereby penalties which in any of its periods are afflictive (Article 9, Revised Penal Code).

“However, this case has been overtaken by the respondent’s resignation from the service when he filed his certificate of candidacy to run for an elective position in government.

“The purpose of an administrative investigation of officers and employees of the government is, if found guilty, the imposition of administrative sanctions or penalties. In the case of an officer or employee who is no longer in the government service because he has already resigned or retired, the purpose is no longer attainable. In other words, the case of such officer or employee has become moot.

“A case is considered as presenting a moot question where a judgment thereon cannot have any practical legal effect or, in the nature of things, cannot be enforced. (Mitre vs. Tan Torres, 62 O.G. 266).”

Upon the facts heretofore stated, the PCAGC, in its above-mentioned resolution, found respondent guilty of Grave Misconduct and recommended his dismissal from the service, which penalty, according to the PCAGC, however, may no longer be imposed due to the latter’s resignation during the pendency of the charge, thereby rendering the same moot and academic, and that, in lieu thereof, respondent should be made to suffer the accessory penalty of disqualification for re-employment in the government service.

We concur with the PCAGC insofar as concerns its finding that respondent, by way of penalty, may no longer be dismissed from the service owing to the severance of his official ties therewith upon his resignation to run for an elective position during the pendency of the case, but disagree with the PCAGC’s posture that respondent’s resignation while said case was pending investigation had rendered the same moot and academic.

Although as a rule, the retirement or acceptance of resignation of a public official leaves nothing in the way of the dismissal of the administrative case filed against him, because an administrative proceeding is predicated on the holding of an office or position in the government (*Diamalon vs. Quintillan*, Adm. Case No. 116, Aug. 29, 1969, 29 SCRA 347), the better and more recent principle is that enunciated in the case of *People vs. Valenzuela*. (L-63950-60. April 15, 1985, 135 SCRA 712, citing *Perez vs. Abiera* (Adm. Case No. 223-J, June 11, 1975, 64 SCRA 302) herein below pertinently quoted:

“It was not the intent of the Court in the case of Quintillan to set down a hard and fast rule that the resignation or retirement of a respondent judge as the case may be renders moot and academic the administrative case pending against him; nor did the Court mean to divest itself of jurisdiction to impose certain penalties short of dismissal from the government service should there be a finding of guilt on the basis of the evidence. In other words, the jurisdiction that was Ours at the time of the filing of the administrative complaint was not lost by the mere fact that the respondent public official had ceased to be in office during the pendency of his case. The Court retains its jurisdiction either to pronounce the respondent official innocent of the charges or declare him guilty thereof. A contrary rule would be

fraught with injustices and pregnant with dreadful and dangerous implications. For what remedy would the people have against a judge or any other public official who resorts to wrongful and illegal conduct during his last days in office? What would prevent some corrupt and unscrupulous magistrate from committing abuses and other condemnable acts knowing fully well that he would soon be beyond the pale of the law and immune to all administrative penalties? If only for reasons of public policy, this Court must assert and maintain its jurisdiction over members of the judiciary and other officials under its supervision and control for acts performed in office which are inimical to the service and prejudicial to the interests of litigants and the general public. If innocent, respondent official merits vindication of his name and integrity as he leaves the government which he served well and faithfully; if guilty, he deserves to receive the corresponding censure and penalty proper and imposable under the situation.”

In the case at bar, respondent’s resignation was accepted in the thick of the administrative investigation of the case against him, which certainly did not divest the PCAGC of jurisdiction to decide the case on the merit, as in fact it found respondent guilty of the charge and recommended his dismissal from the service. Concededly, however, respondent’s connection with the government having been cut off by virtue of his resignation, the imposition upon him of the penalty of dismissal from the service would be plain supererogation or vain superfluity.

Be that as it may, the government is not left without recourse against respondent who should be made to account for his transgression. And the remedy therefor is, as succinctly and trenchantly stated by the Secretary of Justice in his Opinion No. 30 dated February 17, 1978, to impose upon respondent, who was found guilty of the charge and recommended dismissed from the service, the penalties incident to dismissal for cause, whenever applicable, to wit: (1) cancellation of Civil Service eligibility; (2) forfeiture of leave credits; (3) forfeiture of retirement benefits; and (4) disqualification for reinstatement or re-employment:

Accordingly, the resolution of the Presidential Commission Against Graft And Corruption dated March 24, 1998 should be, as it is hereby MODIFIED in that, instead of considering the administrative case against respondent Mendoza for Grave Misconduct to have been mooted with his resignation from the service during the pendency thereof, he should be made to suffer the accessory penalties to dismissal from the service.

WHEREFORE, and as recommended by the Presidential Commission Against Graft and Corruption, former Commissioner Edgar L. Mendoza of the Bureau of Immigration and Deportation is hereby found guilty of Grave Misconduct and ordered to suffer the penalties of cancellation of Civil Service eligibility, and forfeiture of leave credits, if any, as well as disqualification from re-employment/ reinstatement in the government service, as accessory penalties to dismissal from the service for cause.

Done in the City of Manila, Philippines, this day of in the year of Our Lord, two thousand and one.

Manila, Philippines, OCT 25 2001

By authority of the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2001). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 21

REVISED IMPLEMENTING RULES AND REGULATIONS GOVERNING REPUBLIC ACT
NO. 8425 OTHERWISE KNOWN AS THE SOCIAL REFORM AND POVERTY ALLEVIATION ACT

WHEREAS, pursuant to Republic Act No. 8425, or the Social Reform and Poverty Alleviation Act, the Office of the President is mandated to formulate the implementing rules and regulations governing the law;

WHEREAS, poverty alleviation, defined as the reduction of absolute and relative poverty, is one of the core thrusts of government;

WHEREAS, several implementing rules and regulations have been issued relating to the Social Reform and Poverty Alleviation Act, to wit: Administrative Order (A.O.) No. 11 series of 1998, A.O. No. 36 series of 1998 and an unnumbered Implementing Rules and Regulations (IRR) signed on December 23, 1998;

WHEREAS, pursuant to the provisions of the Social Reform and Poverty Alleviation Act and its implementing rules and regulations, the National Anti-Poverty Commission was established to replace the Presidential Commission to Fight Poverty, the Social Reform Council and the Presidential Council for Countryside Development;

WHEREAS, the provisions ensuring wide participation, autonomy and transparency in the selection of representation among the basic sectors mandated in A.O. No. 11 series of 1998 were revoked and repealed by A.O. No. 36 series of 1998 and the unnumbered IRR signed on December 23, 1998;

WHEREAS, the Lead Convenor of the National Anti-Poverty Commission has recommended the repeal of A.O. No. 36 series of 1998 and the unnumbered IRR signed on December 23, 1998, and the issuance of revised implementing rules and regulations complying with the provisions of the Social Reform and Poverty Alleviation Act;

WHEREAS, broad participation shall be ensured to create responsive, accountable, and meaningful representation from the basic sectors.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby promulgate:

RULE I
POLICY AND DEFINITION OF TERMS

SECTION 1. Title. – These Rules shall be known as the Revised Rules and Regulations Implementing the Social Reform and Poverty Alleviation Act.

SECTION 2. Purpose. – These Rules are promulgated to prescribe the procedures and guidelines for the implementation of Title I on the National Anti-Poverty Commission of the Social Reform and Poverty Alleviation Act in order to facilitate compliance therewith and achieve the objectives thereof.

SECTION 3. Declaration of Policy. – It is the policy of the State to:

(1) Adopt a sustainable, integrated, area-based, sectoral and focused intervention to poverty alleviation wherein every poor Filipino family shall be empowered to meet its minimum basic needs

of health, food and nutrition, water and environmental sanitation, income security, shelter and decent housing, peace and order, education and functional literacy, participation in governance and family care and psycho-social integrity;

(2) Actively pursue asset reform or redistribution of productive economic resources to the basic sectors including the adoption of a system of public spending which is targeted towards the poor;

(3) Institutionalize and enhance the Social Reform Agenda (SRA), which embodies the results of the series of consultations and summits on poverty alleviation;

(4) Adopt and operationalize the following principles and strategies as constituting the national framework integrating various structural reforms and anti-poverty initiatives:

- (a) Social reform shall be a continuing process that addresses the basic inequities in Philippine society through a systematic package of social interventions;
- (b) The SRA shall be enhanced by government in equal partnership with the different basic sectors through appropriate and meaningful consultations and participation in governance;
- (c) Policy, programs and resource commitments from both government and the basic sectors shall be clearly defined to ensure accountability and transparency in the implementation of the SRA;
- (d) A policy environment conducive to sustainable social reform shall be pursued;
- (e) The SRA shall address the fight against poverty through a multi-dimensional and cross-sectoral approach which recognizes and respects the core values, cultural integrity and spiritual diversity of target sectors and communities;
- (f) The SRA shall pursue a gender-responsive approach to fight poverty;
- (g) The SRA shall promote ecological balance in the different ecosystems in a way that gives the basic sectors a major stake in the use, management, conservation and protection of productive resources;
- (h) The SRA shall take into account the principle and interrelationship of population and development in the planning and implementation of social reform programs thereby promoting self-help and self-reliance;
- (i) SRA implementation shall be focused on specific target areas and basic sectors; and
- (j) The SRA shall advocate and institutionalize a multi-sectoral approach towards building social consensus to poverty alleviation at the national and local levels thereby mobilizing the different but potentially complementary capacities, resources and perspectives of civil society, government, and business towards a concerted societal effort at alleviating poverty.

RULE II

THE PHILIPPINE APPROACH TO SOCIAL REFORM AND POVERTY ALLEVIATION

SECTION 1. The Multi-dimensional Approach to Poverty Alleviation. Strategies or programs of government and civil society shall incorporate the elements that will address each of the four dimensions of the SRA, namely:

a) **Economic Dimension - Asset Reform.** Asset reform seeks to address the issue of economic inequity by widening the citizens' share of resources, whether natural or manufactured, from which they can earn a living and increase the fruits of their labor. Such reforms necessarily address existing inequities in the ownership, distribution, management and control over such resources. The government shall give priority to the enactment and strict implementation of laws that widen the share

of the basic sectors in the resources of society. The government shall likewise undertake budgetary reform to implement asset reform.

b) Social-Cultural Dimension - Access to Quality Basic Services and Protection of the Security of Life, Person, Livelihood, Indigenous Culture and Freedom from Violence. These reforms refer to the equitable control and access to social-cultural services and facilities especially education, health, housing and other basic services. These reforms are necessary to enable the citizens to meet their basic human needs, to live decent lives and to ensure that the benefits of asset reform are equally shared by all its rightful beneficiaries. The government shall therefore work to eliminate all forms of discrimination which cause women, youth and children, the elderly and persons with disability to be further marginalized and excluded even within their own economic sectors.

c) Ecological Dimension - Sustainable Use of Productive Resources. These reforms ensure the effective and sustainable utilization of the natural and ecological resource base, thus assuring greater social acceptability and increased participation of the basic sectors in environmental and natural resources conservation, management and development.

d) Governance Dimension - Equal Representation and Participation. These reforms address the issue of political equity and ensure equal participation in all venues in society especially in decision making and management processes that affect their rights, interests and welfare. The government shall ensure that sectoral representation is institutionalized in all levels of government, with particular emphasis on the decision making structures of the different local government units.

SECTION 2. Asset reform. Asset reform requires laws and policies that widen the citizens' share of resources, natural and manufactured, from which they can earn a living or increase the fruits of their labor. Such reforms necessarily address existing inequities in the ownership, distribution, management and control over such resources. Specifically, asset reform shall be obtained through the following sector-specific flagship programs:

a) Farmers and landless rural workers: ownership, access to and control of tillable lands by the tillers, higher productivity, channels for productivity and fair prices for produce;

b) Fisherfolk: broader access to and control of aquatic resources, rational and sustainable management of fishery resources and wider availability of fishing and post-harvest facilities;

c) Urban Poor: broader access to and security in basic needs, particularly housing and land, and broader opportunities for increased income;

d) Indigenous Cultural Communities: recognition and protection of their ancestral domain rights, basic services and cultural integrity;

e) Workers in the Formal Sector and Migrant Workers: recognition and protection of their rights to a living wage, humane conditions of work, security of tenure, self-organization and collective bargaining;

f) Workers in the Informal Sector: protection by labor laws, security in their workplace, protection against harassment and abuse, access to programs and services catering to their special needs and organization into unions, cooperatives and other forms of associations; and

g) Disadvantaged groups that cut across all sectors, particularly women, youth and students, children, the elderly, persons with disabilities and victims of natural and man made calamities: Comprehensive Integrated Delivery of Social Services (CIDSS) reforms to correct and transform the structures that discriminate against and cause the further marginalization of these groups in all spheres of life, including within their own economic sectors.

Additionally, to support the sectoral flagship programs, the following cross-sectoral flagships shall likewise be instituted:

- a) Institution-building and effective participation in governance;
- b) Sustainable livelihood programs;
- c) Expansion of micro-credit/microfinance services and capability building; and
- d) Infrastructure buildup and development.

RULE III

THE NATIONAL ANTI-POVERTY COMMISSION

SECTION 1. Principles Governing the National Anti-Poverty Commission (NAPC). The NAPC shall be governed by the following principles:

- a) Incorporation of the SRA into the formulation of the development plans at the national, regional, sub-regional and local levels;
- b) Efficiency in the implementation of the anti-poverty programs by strengthening or streamlining present poverty alleviation processes and mechanisms and reducing the duplication of functions and activities among various government agencies;
- c) Coordination and synchronization of social reform and poverty alleviation programs of national government agencies;
- d) Exercise of policy oversight responsibilities to ensure the attainment of social reform and poverty alleviation goals;
- e) Strengthening of local government units to more effectively operationalize the SRA in local development efforts;
- f) Institutionalization of basic sectoral and non-government organizations' (NGO) participation in effective planning, decision making, implementation, monitoring and evaluation of SRA at all levels;
- g) Ensuring adequate, efficient and prompt delivery of basic services to the poor;
- h) Enjoining government financial institutions to open credit and savings windows for the poor and advocating the creation of such windows for the poor among private banking institutions; and
- i) Pursuit of poverty alleviation in harmony with sustainable development as embodied in Philippine Agenda 21 and other policies of government.

SECTION 2. Composition of the NAPC. The President of the Republic of the Philippines shall serve as the Chairperson of the NAPC. The President shall appoint the Lead Convenor of the NAPC, either from the government, civil society or private sector, who shall likewise serve as the head of the NAPC Secretariat and shall have the rank of Cabinet Secretary.

There shall be a Vice-Chairperson for the government sector and a Vice-Chairperson for the basic sectors, the former to be designated by the President and the latter to be elected among the Sectoral Representatives of the NAPC.

The members of the NAPC are as follows:

- (1) Heads of the following government bodies:
 - (a) Department of Agrarian Reform (DAR);
 - (b) Department of Agriculture (DA);
 - (c) Department of Labor and Employment (DOLE);
 - (d) Department of Budget and Management (DBM);
 - (e) Department of Social Welfare and Development (DSWD);
 - (f) Department of Health (DOH);
 - (g) Department of Education, Culture and Sports (DECS);
 - (h) Department of the Interior and Local Government (DILG);

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- (i) Department of Environment and Natural Resources (DENR);
 - (j) Department of Finance (DOF);
 - (k) National Economic and Development Authority (NEDA);
 - (l) People's Credit and Finance Corporation (PCFC), subject to Section 17 of the Social Reform and Poverty Alleviation Act; and
 - (m) Presidential Commission on Urban Poor (PCUP).
- (2) Presidents of the Leagues of Local Government Units:
- (a) League of Provinces;
 - (b) League of Cities;
 - (c) League of Municipalities; and
 - (d) Liga ng mga Barangay.
- (3) Representatives from each of the following basic sectors:
- (a) Farmers and landless rural workers;
 - (b) Artisanal fisherfolk;
 - (c) Urban poor;
 - (d) Indigenous cultural communities/indigenous peoples;
 - (e) Workers in the formal sector and migrant workers;
 - (f) Workers in the informal sector;
 - (g) Women;
 - (h) Youth and students;
 - (i) Persons with disabilities;
 - (j) Victims of disasters and calamities;
 - (k) Senior citizens;
 - (l) NGOs;
 - (m) Children; and
 - (n) Cooperatives.

SECTION 3. Powers and functions of the NAPC. The NAPC shall exercise the following powers and functions:

- (a) Coordinate with different national and local government agencies, civil society and the private sector to ensure full implementation of all social reform and poverty alleviation programs;
 - (b) Coordinate with local government units in the formulation of social reform and poverty alleviation programs for their respective areas in conformity with the approaches and flagship programs;
 - (c) Recommend policy and other measures to ensure the responsive implementation of the commitments under the SRA;
 - (d) Ensure meaningful representation and active participation of the basic sectors;
 - (e) Oversee, monitor and recommend measures to ensure the effective formulation, implementation and evaluation of policies, programs and resource allocation and management of social reform and poverty alleviation programs;
 - (f) Advocate for the mobilization of funds by the national and local governments to finance social reform and poverty alleviation programs and capability-building activities of the basic sectors;
 - (g) Provide financial and non-financial incentives to local government units with counterpart resources for the implementation of social reform and poverty alleviation programs; and
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(h) Submit an annual report to Congress including, but not limited to, all aspects of its operations, programs, project implementation, financial status and other relevant data as reflected by the basic reform indicator.

SECTION 4. Executive Committee. An Executive Committee shall be created to oversee the execution of the powers and functions of the NAPC.

The Executive Committee shall be chaired by the Lead Convenor and shall be composed of the Vice-Chairpersons and two other members from the government and basic sectors.

The Executive Committee shall have the following functions:

- a) Set the agenda for the meetings of the NAPC;
- b) Oversee the implementation of the NAPC Resolutions concerning poverty alleviation programs;
- c) Oversee that grievances are addressed in the appropriate forum; and
- d) Other functions as may be delegated by NAPC.

RULE IV FLAGSHIP PROGRAMS

SECTION 1. Flagship Programs and Lead Agencies. The NAPC shall determine the framework and direction of flagship programs and designate Flagship Lead Agencies for sectoral and multi-sectoral programs which address the specific and cross-sectoral needs of the basic sectors as provided in the Social Reform and Poverty Alleviation Act.

SECTION 2. Roles and Functions of the Flagship Lead Agencies. The Flagship Lead Agencies shall have the following functions:

- a) Ensure the effective implementation of flagship programs in coordination with other concerned agencies as they address the needs of the basic sectors and rural and urban poor communities;
- b) Identify and facilitate resolution of issues and concerns related to the implementation of flagship programs; and
- c) Undertake regular consultations with their counterpart Sectoral Councils as provided in these Rules.

SECTION 3. Formation of Flagship Teams. The Flagship Lead Agencies shall form teams within their respective agencies to handle the day-to-day implementation of its programs in coordination with other agencies, basic sectors and civil society. They shall designate senior Technical Action Officers (TAO) and alternates as focal persons at the national, regional and local levels.

RULE V SECTORAL ASSEMBLIES

SECTION 1. Preparatory Committee. The Lead Convenor shall organize and convene a Preparatory Committee of each sector which will in turn organize their respective Sectoral Assemblies.

The Preparatory Committees shall ensure that the Sectoral Assemblies represent a wide range of interests. For purposes of convening the Sectoral Assemblies upon the effectivity of these Rules, the Preparatory Committee of each sector shall be composed of not less than ten (10) and not more than fifteen (15) representatives. As much as possible, the members of the Preparatory Committee shall represent sectoral organizations of different perspectives and persuasions.

Each Preparatory Committee will elect a Chairperson who shall be disqualified from being nominated for the position of Sectoral Representative of the NAPC. However, the elected Chairperson of the Preparatory Committee is qualified to be elected as Chairperson of the Sectoral Assembly.

Subject to the approval of the President, the Preparatory Committees shall have the authority to recommend the organizations that will participate in the Sectoral Assemblies and the criteria for participation. *Provided*, however, that the Preparatory Committees must consider the track record of the organizations and, as much as possible, shall ensure that the delegates come from different perspectives and persuasions. *Provided*, further, that the Preparatory Committees must also consider regional and gender concerns in their process of selection.

Subject to the approval of the President, each Preparatory Committee shall have the authority to draft the proposed ground rules which, among others, shall provide the procedure for discussion, recognition and voting and other matters related to the Sectoral Assembly proceedings. At the commencement of the Sectoral Assembly, the Chairperson of the Preparatory Committee shall open the Sectoral Assembly, present the draft proposed ground rules to be observed by the Sectoral Assembly, and facilitate the election of the Chairperson of the Sectoral Assembly.

Upon the effectivity of these Rules, the Sectoral Council of each basic sector shall be immediately organized in accordance with these Rules. Thereafter, each Sectoral Council shall nominate three (3) nominees to the position of Sectoral Representative. The list of nominees shall be submitted to the President who will appoint the new Sectoral Representatives within thirty (30) days from the submission of the lists. After the initial convening of the Preparatory Committees upon the effectivity of these Rules, incumbent Sectoral Councils shall perform the functions of the succeeding Preparatory Committees.

SECTION 2. Sectoral Assembly. Upon the election of the Chairperson in every Sectoral Assembly, the elected Chairperson shall take over the role of facilitating the conduct of the Sectoral Assembly. The Chairperson shall immediately proceed with the adoption of the ground rules for the Sectoral Assembly.

To ensure the fairness and objectivity of the selection process of the Sectoral Council, the Chairperson of the Sectoral Assembly shall be disqualified from being nominated for the position of Sectoral Representative.

The Sectoral Assemblies will determine, among others, the composition, powers and functions of their respective Sectoral Councils. In the performance of their functions, the Sectoral Assemblies shall exercise transparency and follow democratic procedures.

Among others, the Sectoral Assemblies shall:

- (a) Set the qualifications required of each member of the Sectoral Councils;
- (b) Establish the process of electing the members of the Sectoral Councils, including replacements in cases of vacancies;
- (c) Elect the members of their respective Sectoral Councils which shall not be less than fifteen (15) nor more than twenty-five (25);
- (d) Set the qualifications required of each nominee to the position of Sectoral Representative;
- (e) Establish the process of selecting the nominees to the position of Sectoral Representative; and
- (f) Determine the powers and functions of the Sectoral Councils, such as the responsibility of coming up with a consensus on anti-poverty programs, including flagship programs and other issues affecting the sector and to assist the Sectoral Representative in the monitoring of the implementation of the flagship program at the local level.

Whenever necessary and upon due notice, the Sectoral Assembly may be convened by the Sectoral Council.

RULE VI SECTORAL COUNCILS

SECTION 1. Sectoral Councils. The Sectoral Councils shall be the venue wherein the basic sectors will establish a consensus among themselves in all matters concerning the sector, including the nomination and recall of the Sectoral Representatives in the NAPC.

The Sectoral Council shall be composed of at least fifteen (15) sectoral leaders, but not exceeding twenty five (25), and elected through the Sectoral Assemblies as mandated by these Rules.

The Sectoral Councils formed by and among the members of each sector shall respectively nominate three (3) nominees from each sector to the position of Sectoral Representative every three (3) years and in case of a vacancy caused by the death, resignation, recall, physical incapacity or other causes of a Sectoral Representative. Processes that will ensure accountability of every Sectoral Representative to the sector shall be established by the Sectoral Councils.

Immediately upon the election of the Sectoral Councils, they shall consult and confer with the appropriate government departments, including the flagship agencies, in order to define, en flesh and incorporate the poverty reduction framework into the agencies' programs and the sectors' needs. This will include identifying the components of the flagship program on anti-poverty and geographic areas for implementation.

The Sectoral Councils shall convene at least once every quarter to discuss issues and concerns of the sectors with their respective Sectoral Representative.

Not later than one hundred twenty (120) days prior to the end of the term of the incumbent Sectoral Representatives, or not later than thirty (30) days from the occurrence of a vacancy caused by the death, resignation, recall, physical incapacity or other causes of a Sectoral Representative, each Sectoral Council shall act as a Preparatory Committee and organize its Sectoral Assembly. The Sectoral Councils, acting as Preparatory Committees, shall establish the rules of organization of the succeeding Sectoral Assemblies. Among others, these rules shall provide for the admission of new delegates and the expulsion of incumbent delegates. *Provided*, however, that the Preparatory Committees must consider the track record of the organizations and, as much as possible, shall ensure that the delegates come from different perspectives and persuasions. *Provided*, further, that the Preparatory Committees must also consider regional and gender concerns in their process of selection.

Thereafter, each Sectoral Assembly must complete the task of forming the succeeding Sectoral Council within fifteen (15) days in case of vacancy or not later than sixty (60) days prior to the end of the term of the incumbent Sectoral Representatives.

SECTION 2. Recall. To provide an effective mechanism by which the basic sectors can hold the Sectoral Representatives accountable for their undertakings, a procedure for recall shall be instituted by the respective Sectoral Councils. The Sectoral Council to which the erring Sectoral Representative belongs shall be the sole authority to initiate and decide on recall proceedings. A copy of the petition for recall shall be sent to the President through the Lead Convenor. Immediately upon receipt of the petition by the Sectoral Council, it shall convene for the purpose of resolving the petition for recall. Any incumbent Sectoral Representative shall be removed by a two-thirds (2/3) vote of all the members of the Sectoral Council. The decision of the Sectoral Council shall be final and shall be transmitted to the Office of the President through the Lead Convenor.

Upon their election to office, the Sectoral Councils shall determine, among others, the processes necessary for the recall proceedings. *Provided*, that the grounds for recall shall include, among others, any acts inimical to the interest and autonomy of the basic sectors. *Provided*, further, that the recall processes and procedures shall accord due process to all parties concerned.

RULE VII SECTORAL REPRESENTATIVES

SECTION 1. There shall be fourteen (14) Sectoral Representatives, each respectively representing the basic sectors enumerated in the Social Reform and Poverty Alleviation Act.

The President of the Philippines shall, within thirty (30) days after the submission of the list of nominees, appoint the Sectoral Representatives from the list submitted by the Sectoral Councils. Sectoral Representatives shall serve for a term of three (3) years without reappointment.

In case of a vacancy in the position of Sectoral Representative due to death, resignation, recall, physical incapacity, or other causes, the Sectoral Council will nominate three (3) nominees. The list of nominees shall be submitted to the President, who will appoint the new Sectoral Representative within thirty (30) days from submission of the list. Appointment to fill any vacancy in the position of Sectoral Representatives shall only be for the unexpired term of the predecessor.

SECTION 2. The Sectoral Representatives, with the assistance of the two nominees, shall, in consultation with the respective Sectoral Councils, formulate and adopt organizational mechanisms and guidelines which shall define the parameters for the participation of the basic sectors in the anti-poverty agenda of the government. The organizational mechanisms and guidelines as formulated by the basic sectors shall be adopted by government as the official document governing the relations between and among sectors, as well as with the government. *Provided*, that the parameters shall ensure principled partnership between the basic sectors and the government. *Provided*, further, that the mechanisms and guidelines may include processes necessary for effective basic sector coordination among themselves.

RULE VIII MISCELLANEOUS AND FINAL PROVISIONS

SECTION 1. Repealing Clause. All executive orders, issuances, rules and regulations, or parts thereof, inconsistent with the provisions of the Social Reform and Poverty Alleviation Act and these Rules are hereby repealed, amended or modified unless expressly provided in subsequent general or special laws. A.O. No. 36 series of 1998 and the unnumbered IRR signed on December 23, 1998 referring to the NAPC are hereby repealed.

SECTION 2. Separability Clause. If any provision of these Rules is held unconstitutional or invalid, other parts or provisions thereof which are not affected thereby shall continue to be in full force and effect.

SECTION 3. Effectivity. These Rules shall take effect immediately upon publication thereof in a newspaper of general circulation.

City of Manila, November 8, 2001.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2001). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 22
**DIRECTING THE SECRETARY OF THE DEPARTMENT OF SOCIAL WELFARE AND
DEVELOPMENT TO STEER THE OBSERVANCE OF ADOPTION CONSCIOUSNESS DAY**

WHEREAS, Article 20 of the UN Convention on the Rights of the Child provides that “State Parties shall, in accordance with their national laws, ensure alternative care for orphaned, abandoned and neglected children”;

WHEREAS, Proclamation No. 72 dated 03 February 1999 declares the first Saturday of February of every year as Adoption Consciousness Day;

WHEREAS, there is a need to call public attention to ensure nationwide awareness of the growing number of orphaned, abandoned or neglected Filipino children in need of permanent alternative wholesome family environment;

WHEREAS, it is the policy of the State to protect and strengthen the family and as such, it is only proper for the State to ensure that each child be given the chance to enjoy the sense of security, formation of identity and comfort that being part of the family may bring;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order the Secretary of the Department of Social Welfare and Development to steer the observance of Adoption Consciousness Day.

SEC. 1. *Functions and Responsibilities.* - In this connection, the Secretary of Social Welfare and Development shall have the following functions and responsibilities.

- a. Set directions and policies for the observance of Adoption Consciousness Day.
- b. Promote appreciation and awareness of current issues/concerns on adoption.
- c. Formulate, plan and implement appropriate programs and activities to ensure the successful observance of Adoption Consciousness Day.
- d. Ensure the active participation of all concerned agencies and entities during the celebration.
- e. Document concerns on adoption as basis for program development and policy and legislative formulation.
- f. Call upon any government entity, bureau or agency including local government units and non-government organizations for their active participation and assistance.

SEC. 2. *Technical and Secretariat Support.* - The Department of Social Welfare and Development shall serve as the secretariat of the Secretary.

SEC. 3. *Funding.* - The DSWD shall include in its annual budget an amount for the celebration of Adoption Consciousness Day. Further, the DSWD may engage in resource mobilization activities as may be allowed by law to ensure the success of Adoption Consciousness Day.

SEC. 4. *Effectivity.* - This Administrative Order shall take effect immediately.

Done in the City of Manila, this 26th day of November, in the year of Our Lord, two thousand and one.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) ALBERTO G. ROMULO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2001). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 23

DIRECTING THE CHAIRMAN OF THE NATIONAL HISTORICAL INSTITUTE TO ORGANIZE
THE OBSERVANCE OF THE 105TH ANNIVERSARY OF THE MARTYRDOM OF
DR. JOSE P. RIZAL ON DECEMBER 30, 2001

I, **GLORIA MACAPAGAL-ARROYO**, President of the Philippines, by virtue of the powers vested in me by law, do hereby direct the Chairman of the National Historical Institute to organize the observance of the 105th death anniversary of Dr. Jose P. Rizal on December 30, 2001.

The Department of Budget and Management is hereby authorized to release the amount of TWO MILLION PESOS (P2,000,000.00) from savings to defray the expenses for the Year 2001 activities commemorating the heroic martyrdom of Dr. Rizal.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 26TH day of November, in the year of Our Lord, two thousand and one.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2001). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 24
CONSOLIDATED FUNCTIONS OF THE ABOLISHED GOVERNMENT CORPORATE
MONITORING AND COORDINATING COMMITTEE (GCMCC) TRANSFERRED TO THE
DEPARTMENT OF FINANCE (DOF)

WHEREAS, Administrative Order No. 16 abolished the GCMCC and transferred its functions to the DOF;

WHEREAS, pursuant to said A.O. No. 16, the DOF shall review, revise and consolidate, as may be appropriate, all Presidential issuances regarding the GCMCC and such consolidated functions to be performed by DOF shall be submitted to the President for approval.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law and pursuant to the recommendation of the Secretary of Finance, hereby order:

SECTION 1. DEFINITION OF TERMS –

- a. *Government-Owned and/or Controlled Corporation (GOCC)* – As used herein, a GOCC is a corporation created by special law or incorporated and organized under the Corporation Code in which government, directly or indirectly, has ownership of the majority of the capital or voting stock. Any subsidiary of a GOCC shall also be deemed a GOCC. A Corporation, whether created by special law or incorporated and organized under the Corporation Code, where the government has majority control and which is explicitly intended under the law and government policy for ultimate transfer to private ownership under certain specified conditions, shall be considered a GOCC until it is transferred to private ownership and control.
- b. *Oversight Agencies.* – Consist of the Department of Budget and Management (DBM), National Economic Development Authority (NEDA), Commission on Audit (COA), Bangko Sentral ng Pilipinas (BSP), Department of Finance (DOF) and the department to which GOCCs are assigned to by law.

SEC. 2. ADDITIONAL FUNCTIONS OF THE DOF – The DOF shall, in addition to its existing functions, perform the powers and functions of the abolished GCMCC as follows:

- (a) As a central coordinating monitoring and performance evaluation entity:
1. Develop guidelines for monitoring of financial and operations performance of GOCCs and provide guidance in the preparation of corporate plans;
 2. Establish a Performance Evaluation System (PES) based on relevant financial, economic and operational indicators, and performance targets in accordance with performance agreements between the GOCC and the President as recommended by the DOF;

3. In coordination with the other Oversight Agencies, maintain and update the existing Integrated Corporate Reporting System (ICRS) for GOCC reports to the Oversight Agencies to avoid duplication of reports and combine the essentials into a single set of reports. Proposals from other Oversight Agencies to amend, add or further delete reporting formats shall be coordinated with the DOF; and
4. Require GOCCs to prepare and submit regular reports and conduct periodic review and appraisal of performance.

(b) As a policy coordinating and recommending body:

1. Formulate policies, recommendations and guidelines relevant to government corporate operations including dispositive action/creation of new GOCCs/subsidiary, acquisition and dissolution of GOCCs for approval by the President;
2. Review and evaluate all proposals, recommendations and studies pertaining to the government corporate sector before submission to the President; and
3. Review and evaluate all financial aspects of proposed and existing minority investments or joint venture undertakings of GOCCs.

(c) Other functions:

1. Coordinate the classification of GOCCs with the other Oversight Agencies according to financial and sectoral groupings relative to the formulation of differential treatment of GOCCs by Oversight Agencies;
2. Recommend to the President financial sanctions, restrictions and controls on GOCCs' non-compliance with the PES and ICRS such as, but not limited to, withholding of budgetary releases; and
3. Review and evaluate conversion into equity of loans previously extended by a GOCC to a private corporation which will result in majority ownership by GOCC.

SEC. 3. The Department of Finance shall issue the necessary implementing guidelines of this Order.

SEC. 4. All orders, administrative issuances, rules and regulations or parts thereof inconsistent with this Order are hereby repealed or modified accordingly.

SEC. 5. This Administrative Order shall take effect immediately upon approval.

Done in the City of Manila, this 10th day of December, in the year of Our Lord, two thousand and one.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) ALBERTO G. ROMULO

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2001). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 25
ADOPTION OF THE HYBRID RICE TECHNOLOGY AS STRATEGY TO ACHIEVE RICE
SUFFICIENCY AND SETTING PROGRAM TARGETS THEREFOR

WHEREAS, the country's food security depends primarily on its ability to achieve rice sufficiency;
WHEREAS, the country's annual population growth rate is at 2.3% while rice yields over the last 15 years have grown only by 1.9%;

WHEREAS, highly populated countries, notably China and India, have been utilizing with proven success the hybrid rice technology;

WHEREAS, the development and promotion of the hybrid rice technology, as a continuing program toward rice sufficiency, need all the support of the public and private sectors;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the Department of Agriculture, Department of Trade and Industry, the National Food Authority, and their respective allied agencies to accelerate and intensify the promotion of the utilization of the hybrid rice technology.

In support thereof, the Department of Budget and Management shall accord priority to the allocation of funds to support the various components of the Hybrid Rice Program, and the research institutions in the country, especially the Philippine Rice Research Institute, shall focus its research agenda on the development of new rice hybrids.

I urge the seed producers, the input suppliers, the providers of irrigation and mechanization technologies, the market intermediaries composed of millers, wholesalers, and retailers, and more particularly our farmers who will cultivate the rice hybrids to support and provide the critical mass to increase the utilization of the hybrid rice technology.

The hybrid rice planting targets shall cover 135,000 hectares in 2002, 200,000 hectares in 2003, and 300,000 hectares in 2004 in the major irrigated rice producing provinces.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

DONE in the City of Manila, this 12th day of December, in the year of our Lord, two thousand and one.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) ALBERTO G. ROMULO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2001). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 26
DIRECTING THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES TO FORMULATE A
REORGANIZATION PLAN AND FOR OTHER PURPOSES

WHEREAS, the National Commission on Indigenous Peoples (NCIP) was created, by virtue of the Indigenous Peoples Rights Act of 1997 (IPRA), to be the primary government agency responsible for the formulation and implementation of policies, plans and programs to promote and protect the rights and well-being of the indigenous cultural communities/indigenous peoples (ICCs/IPs) and the recognition of their ancestral domains as well as their rights thereto;

WHEREAS, an Institutional and Performance Audit Team was created by virtue of Administrative Order No. 11 dated May 28, 2001, to look into the responsiveness of the NCIP and the performance of its Commissioners and Officials;

WHEREAS, the Institutional and Performance Audit Team has submitted a report of its findings and recommendations.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law and upon the recommendation of the Presidential Adviser on Indigenous Peoples' Affairs, do hereby order:

SECTION 1. Policy Thrust. – Consistent with the provisions of the IPRA, the following shall be the core areas of responsibilities of the NCIP:

- a. Recognition, promotion and protection of the rights of the ICCs/IPs within the framework of the Constitution and consistent with the spirit and intent of the IPRA;
- b. Furtherance of the welfare of the ICCs/IPs;
- c. Empowerment of the ICCs/IPs to pursue their economic, social, political and cultural well-being;
- d. Harmonizing the implementation of the provisions of the IPRA with that of related laws, policies and programs such as those pertaining to land use, exploration of natural resources, agrarian reform, agricultural development, housing and industrial development; and
- e. Mainstreaming the NCIP towards the efficient delivery of basic services to the ICCs/IPs.

SECTION 2. Reorganization. – To enable it to efficiently discharge its duties and functions under the IPRA and the above core areas of responsibilities, the NCIP shall be reorganized in accordance with the following framework and principles:

- a. The policy-governing functions of the NCIP shall be lodged with the Commission *en banc*, while the management of its day-to-day operations shall be under its management group headed by the Executive Director who shall be appointed by the President of the Philippines and who shall be directly responsible to the Commission;

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- b. The Regional and Provincial Offices as well as the Community Service Centers shall be reorganized in accordance with the ethnographic regions of the country as defined by the IPRA, and based on the needs of the ICCs/IPs. The operation and activities of these offices shall be coordinated by the Executive Director;
 - c. Each Regional Office shall maintain an adjudication court to discharge the relevant functions lodged thereto under the IPRA and on addressing disputes affecting ICCs/IPs. Their national counterpart shall also be established to entertain appeals from the rulings of the regional adjudication court and to settle disputes involving cross ethnographic regions as referred to it by the Commission;
 - d. Dedicated units shall be included under the new organizational structure of the NCIP to undertake its critical key results areas on:
 - i. Census of the ICCs/IPs, cultural mapping and survey/delineation of ancestral land;
 - ii. Promotion and protection of the rights and welfare of the ICCs/IPs;
 - iii. Monitoring of the policy and program implementation;
 - iv. Planning and management of ancestral domains, including the development of model IP communities in the Government's area development projects involving ancestral domains; and
 - v. Responding to the emergency situations of the ICCs/IPs through the creation of a quick response task force; and
 - e. Clear delineation of responsibilities and accountabilities, including institutional relationships with other concerned agencies. In this regard, the new structure of the NCIP shall reflect operational linkages with the IP regional and national consultative bodies.

SECTION 3. *Implementing Authority.* – The newly appointed NCIP Commissioners acting *en banc*, shall plan and implement the reorganization of the NCIP. For this purpose, the NCIP may create an appropriate committee or employ the services of a qualified private sector group to formulate the Reorganization Plan in accordance with Sections 1 and 2 of this Administrative Order.

The Reorganization Plan which shall include the framework of reorganization, organizational structure, table of organization and staffing pattern of the NCIP, shall be submitted by the Commission to the Office of the President for approval, within four (4) months from the effectivity of this Administrative Order.

Upon approval by the Office of the President of the Reorganization Plan, the NCIP shall immediately formulate and adopt the needed Qualifying, Selection and Deployment Program (QSDP) to guide the hiring, reassignment and deployment of existing and new NCIP personnel.

The reorganization of the NCIP shall be completed not later than four (4) months from the approval by the President of the Reorganization Plan to allow the NCIP to focus its efforts on the efficient discharge of its duties and functions.

SECTION 4. *Redeployment of Personnel.* – The NCIP is also hereby authorized to employ the technical services of other government agencies, academic institutions or private sector groups in the implementation of the QSDP.

The redeployment of NCIP Officers and personnel may be undertaken under the Reorganization Plan and QSDP: *Provided, however*, That it does not result in diminution in the rank and compensation taking into account all pertinent Civil Service laws and rules.

SECTION 5. *Separation.* – Separation from service as a consequence of the implementation of the above Reorganization Plan shall be in accordance with existing laws.

SECTION 6. *Funding.* – The funding to implement the provisions of this Administrative Order shall be sourced from the Organizational Adjustment Fund of the Department of Budget and Management or from any available sources it may deem possible, including grants from donor organizations.

SECTION 7. *Repeal.* – All orders, rules, regulations and issuances, or parts thereof, which are inconsistent with this Administrative Order, are hereby repealed or modified accordingly.

SECTION 8. *Effectivity.* – This Administrative Order shall take effect immediately upon approval.
City of Manila, January 11, 2002

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2002). [*Administrative Order Nos.: 1 - 110-A*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 27

DIRECTING THE SECRETARY OF THE DEPARTMENT OF NATIONAL DEFENSE TO
ORGANIZE THE OBSERVANCE OF THE ARAW NG KAGITINGAN AND THE PHILIPPINE
VETERANS WEEK

I, **GLORIA MACAPAGAL-ARROYO**, President of the Philippines, by virtue of the powers vested in me by law, do hereby direct the Secretary of the Department of National Defense to organize the observance of Araw ng Kagitingan and the Philippine Veterans Week from April 5 to 11, 2002.

The Department of Budget and Management is hereby authorized to release the amount of TWO MILLION PESOS (P2,000,000.00) from the President's Contingent Fund to defray the expenses for the Year 2002 activities commemorating the Araw ng Kagitingan and the Philippine Veterans Week.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 24th day of January, in the year of Our Lord, two thousand and two.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 28
CONSTITUTING A NATIONAL COMMITTEE FOR THE COMMEMORATION OF THE
16TH ANNIVERSARY OF THE FEBRUARY 22-25, 1986 FIRST PEACEFUL PEOPLE POWER EDSA
REVOLUTION AND THE 1ST ANNIVERSARY OF EDSA-2

WHEREAS, the February 22-25 first peaceful People Power EDSA revolution otherwise known as EDSA-1 restored democratic institutions and ushered meaningful political, social and economic reforms in the country, while EDSA-2 further pursued the reforms towards reformation and good governance;

WHEREAS, the triumph of both peaceful revolutions for social and political change and reformation was anchored upon people power, the ultimate demonstration of the citizens' solidarity in seeking to transform Philippine society and chart a new course for the country's history by linking arms and courageously asserting their democratic rights for the commonweal;

WHEREAS, EDSA-1 and EDSA-2 serve as our inspiration as we continue charting our collective course as a nation and a people.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Constitution of a National Committee. There is hereby constituted a National Committee for the commemoration of the 16th Anniversary of the February 22-25, 1986 First Peaceful Power EDSA Revolution and the 1st Anniversary of EDSA-2, which shall be chaired by the Chairman and Co-Chairman of the EDSA People Power Commission, Secretary Alberto Romulo and Commissioner Ramon del Rosario, Jr., respectively. Secretary Dinky Soliman of the Department of Social Welfare and Development, is hereby designated as Vice Chairperson. The other members of the EDSA People Power Commission shall also be members of the National Committee, serving as representatives of the NGO's/Private and Business Sectors, together with the following representatives of the Government Sector:

1. Secretary of the Department of Foreign Affairs
2. Secretary of the Department of Tourism
3. Secretary of the Department of National Defense
4. Secretary of the Department of Public Works and Highways
5. Secretary of the Department of Interior and Local Government
6. Secretary of the Department of Budget and Management
7. Secretary of the Department of Education
8. Secretary of the Department of Labor and Employment
9. Secretary of the Presidential Management Staff
10. Chairman of the Metropolitan Manila Development Authority
11. Chairperson of the Commission on Higher Education
12. Chairperson of the National Youth Commission
13. Chairman of the Development Bank of the Philippines

14. Chairperson of the National Commission on the Role of Women
15. Executive Director of the National Historical Institute
16. Director General of the Public Information Agency
17. Administrator of the Philippine Overseas Employment Agency
18. Administrator of the Overseas Workers Welfare Administration
19. Director General, Technical Education and Skills Development Authority
20. President, League of Provinces of the Philippines
21. President, League of Cities of the Philippines
22. President, League of Municipalities of the Philippines

SEC. 2. Functions. The Committee shall have the following functions.

1. Formulate a comprehensive plan under the guidance of the EDSA People Power Commission as mandated by virtue of Executive Order No. 82, s. 1999, for the nationwide commemoration of the 16th Anniversary of the February 22-25, 1986 First Peaceful People Power EDSA Revolution and 1st Anniversary of EDSA-2 and coordinate with all sectors concerned in the implementation of the same taking into consideration austerity measures and the spirit of volunteerism;
2. Create such working committees and designate the respective members thereof from both the private and government sectors, as may be necessary, to ensure the success of the celebration; and
3. Invite and mobilize all sectors that wish to participate in the celebration and call upon any government instrumentality to render the necessary assistance therefor.

SEC. 4. Staff Support. The Department of Social Welfare and Development, together with the EDSA People Power Commission, shall provide the technical and secretariat support of the Committee. The heads of departments, agencies, government-owned and controlled corporations and other government instrumentalities are directed to give full support to the National Committee and its various working committees and to actively participate in the celebrations.

SEC. 5. Funding. The Secretary of Budget and Management is hereby directed to allocate the amount of TWO MILLION PESOS (Php 2,000,000.00) to support this activity and release said amount to the Department of Social Welfare & Development immediately. Concerned agencies may allocate such amount as may be necessary to defray the expenditures that may be incurred in connection with their participation in the Anniversaries.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 24th day of January, in the year of Our Lord, two thousand and two.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) ALBERTO G. ROMULO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 29
RENAMING, RECONSTITUTING AND EXPANDING THE FUNCTIONS OF THE HUMAN
RIGHTS COMMITTEE TO BE HENCEFORTH KNOWN AS THE PRESIDENTIAL HUMAN
RIGHTS COMMITTEE

WHEREAS, Administrative Order No. 101, dated December 13, 1988, created the Human Rights Committee;

WHEREAS, Administrative Order No. 15, dated October 14, 1992, increased the membership of the committee to include representatives from the Department of the Interior and Local Government, Department of Foreign Affairs, Department of Health and Department of Social Welfare and Development to effectively and efficiently monitor the Philippine human rights situation, address human rights problems and advise the President on the proper measures that should be taken without delay;

WHEREAS, there is a need to reconstitute the committee and redefine its function to implement the goal of the government to protect human rights and promote their observance by all, pursuant to the Constitutional policy that, “(T)he State values the dignity of every human person and guarantees full respect for human rights”.

NOW THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Human Rights Committee established under A.O. No. 101, dated December 13, 1988, as amended shall be renamed and henceforth be known as the “Presidential Human Rights Committee.”

SEC. 2. The Presidential Human Rights Committee shall be composed of the following:

The Secretary of Justice as Chairperson; the Chief Presidential Legal Counsel, Representatives of the Department of the Interior and Local Government, Department of National Defense, Department of Foreign Affairs, Department of Health, Department of Social Welfare and Development, Lead Convenor, National Anti-Poverty Commission, and two representatives of private human rights groups organized nationally, to be nominated by said groups and appointed by the President, as members; and the Chairman of the Commission on Human Rights, Chairman of the Senate Committee on Justice and Human Rights and House of Representatives Committee on Civil, Political and Human Rights, as observers.

SEC. 3. The Committee shall serve as the primary advisory body to the President in effectively addressing urgent human rights concerns/issues in the country.

SEC. 4. The Committee shall co-operate and coordinate with concerned government and private agencies, entities and groups in the implementation and performance of the following functions and duties:

- a. To assess and monitor all aspects of the human rights situation in the Philippines, to include civil, political, economic, social and cultural rights;
- b. To assist victims of human rights violations and their families, especially victims of enforced or involuntary disappearances; and
- c. To perform such other functions and duties as may be directed by the President and/or necessary to meet the objectives of the Committee.

SEC. 5. The member-agencies shall designate a permanent and alternate representative to render continuing support and extend help necessary to carry out the functions and duties of the Committee.

SEC. 6. The Committee, through the Chairperson, is authorized to call upon any department, bureau, office, agency or instrumentality of the government, including government owned or controlled corporations, for such assistance as it may need in the discharge of its functions.

SEC. 7. The Committee shall have a Secretariat which shall be located in the Department of Justice. The Secretariat shall provide staff support to the Committee.

SEC. 8. The initial amount of Five Million Pesos (Ph5,000,000.00) for the year 2002 which is necessary to carry out the provisions of this Administrative Order will be sourced from the President's Contingency Fund. Thereafter, such amount necessary for this purpose shall be incorporated in the General Appropriations Act for the Department of Justice.

SEC. 9. If any provision of this Administrative Order is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue in full force and effect.

SEC. 10. All orders, rules and regulations inconsistent with this Administrative Order are hereby repealed or modified accordingly.

SEC. 11. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 27th day of January, in the year of Our Lord, two thousand and two.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 30

**IMPOSING THE PENALTY OF SIX (6) MONTHS SUSPENSION WITHOUT PAY ON
RESPONDENT LIDUVINA C. REYES, REGIONAL DIRECTOR, REGION II, COMMISSION ON
HIGHER EDUCATION, TUGUEGARAO CITY, FOR VIOLATION OF SECTION 7(b)(1) and (2)
OF REPUBLIC ACT NO. 6713**

This refers to the unsigned and undated letter-complaint filed with the then Presidential Commission Against Graft and Corruption (PCAGC), now Presidential Anti-Graft Commission (PAGC), by Concerned Heads of Schools in Cagayan, et al. against respondent Liduvina C. Reyes, Regional Director, Region II, Commission on Higher Education (CHED), Tuguegarao City, for alleged various irregularities.

Records show that the complaint being anonymous, the Commission initially conducted a fact-finding investigation. It sent separate letters of inquiry to three (3) private institutions of learning cited in the complaint namely, Saint Louis College of Tuguegarao, St. Paul University and Cagayan Colleges Tuguegarao, all in Tuguegarao City, who submitted their answers as requested.

Findings sufficient basis to commence an administrative investigation against respondent, the Commission issued an Order dated November 9, 1999 requiring respondent Reyes to file her Verified Answer or Counter-Affidavit. Respondent submitted her Answer dated December 13, 1999 and her Position Paper of even date. After the termination of the preliminary conference on February 1, 1999 and the submission of the complainant's case by the Commission's representative as the Nominal Complainant on February 14, 1999, the case was set for hearing on March 24, 1999. During the hearing, respondent, through counsel, decided to forego presentation of any witness and instead rested her case for resolution subject to the submission of her Formal Offer of Evidence and Memorandum.

The complaint against respondent consists of eight (8) charges, but only one (1) thereof was considered by the Commission for lack of evidence.

The charge identified as No. 7 in the complaint, which was considered by the Commission reads, to wit:

“7. She also teaches in the graduate schools of private higher education institutions in Tuguegarao, Cagayan during office hours, and when she is in the office, she reviews masteral and doctoral thesis/dissertation. She teaches at the Cagayan Colleges of Tuguegarao, Saint Paul University in Tuguegarao, and worst in Saint Louis College of Tuguegarao, where she is also the Dean of the Graduate School, which is still applying for permit in CHED central office, Pasig City. This is in direct disobedience of the order of CHED central office that CHED officials/ personnel should teach only in accredited programs, not in programs offered without permit, which is in violation of Batas Pambansa 232. As Dean of Saint Louis College of Tuguegarao, she is receiving double compensation, and there is conflict in interest in her job as Director of CHED Region 02 and Dean of Graduate School in one college in Region 02.”

As gathered by the Commission, respondent Reyes had been a part-time professor at the Saint Louis College of Tuguegarao during the school year 1998-1999 and first semester of the school year 1999-2000 and she held classes either on Fridays from 5:30 – 8:30 P.M. or during Saturdays; that at the Saint Paul University, wherein she likewise taught on a part-time basis, she held graduate classes from 10:00 A.M. until 1:00 P.M. on Saturdays; and that at the Cagayan Colleges of Tuguegarao, she was invited to conduct special lectures during Saturdays or Sundays.

On the questioned deanship of respondent of the Graduate School of the Saint Louis College of Tuguegarao (SLCT), it was found out that she applied for the position on July 22, 1998 and was appointed as such on August 25, 1998. Her term was from September 1, 1998 up to March 31, 1999, but served as Dean of said College until the acceptance of her resignation by the SLCT Board of Trustees effective September 23, 1999.

In respondent's Answer, she averred that she never taught in the graduate school of any private institution in Region II during office hours and also denied reviewing masteral thesis and doctoral dissertations in her office.

Anent her appointment as Dean of the Graduate School of the Saint Louis College of Tuguegarao, she explained that she applied for the position upon receipt of notification from then CHED Chairman Angel Alcala informing her that her Appointment as Regional Director of CHED Region II will no longer be renewed. However, again when notified that CHED officials who were earlier asked to vacate their positions will be restored to their positions, she resigned and was accepted effective September 23, 1999.

On the charge of double compensation, there is no basis therefor, according to respondent, on the ground that she was not technically a CHED personnel at the time she served as Dean of the graduate school; and that the prohibition against double compensation does not apply when the additional compensation is received not from the government or any of its entities.

The Commission presented three (3) issues for resolution of the charge, but only two (2) thereof have actually been resolved, considering that the issue on double compensation was referred to the Commission on Audit. The two (2) issues are:

“(1) Whether or not the teaching activities of respondent Reyes in private institutions of higher learning in Region II is expressly allowed by law or do not conflict with her official functions as Regional Director of CHED of said Region?;

“(2) Whether or not the employment of respondent Reyes as Dean of Graduate School of the Saint Louis College of Tuguegarao constitute a violation of law or rules?”

With respect to the first issue, while respondent admitted the charge of teaching in the private institutions of higher learning, she submitted as her basis for doing so, certified copy of CHED Resolution No. 40-98, which pertinently reads:

“x x x that officials and staff of the Commission on Higher Education (CHED) shall be allowed to have teaching loads, provided, however, that they shall only be allowed to teach graduate and post graduate programs being offered in Government recognized institutions with at least level III accredited programs.

"X X X X X X X X X.

“x x x that CHED officials and staff shall be required to submit their application for permit to teach to the Office of the Chairman supported by appropriate credentials’ (Records, p. 89; Exhibit ‘4’).”

The Commission rejected the CHED Resolution No. 40-98 as a valid excuse and opined, to wit:

“It is the considered view of this Commission that respondent Reyes’ teaching activities at the aforementioned private institutions of learning constitute private practice of her profession as a teacher which conflicts with the exercise of her official function as CHED Regional Director of Region II. Moreover, the Commission likewise views CHED Resolution No. 40-98 upon which the herein respondent has anchored her alleged authority to teach as puny and of no moment in the instant case for reasons, among others, that (1) as an administrative issuance of CHED, it cannot certainly be considered to have amended the clear and express provision of Section 7(b)(1) of R.A. No. 6713; and (2) respondent Reyes has not presented any other evidence in support of her alleged authority to teach, e.g., an application to teach and the corresponding approval thereof signed by the CHED Chairman, which, obviously, are requirements under the said CHED Resolution (Exhibit ‘4’).

Regarding the second issue, the Commission said:

“This Commission views as understandable the action of the herein respondent in seeking employment at the Saint Louis College of Tuguegarao which needed her professional services, after she was formally apprised by no less than the then Chairman of the Commission on Higher Education on the non-renewal of her appointment, for which she may not be faulted.”

In order to further elucidate on the first issue, Section 7(b)(2) of R.A. 6713, otherwise known as the “Code of Conduct and Ethical Standards for Public Officials and Employees provides, to wit:

“SECTION 7. Political Acts and Transactions. – In addition to acts and omissions of public officials and employees now prescribed in the Constitution and existing laws, the following shall constitute prohibited acts and transactions of any public official and employee and are hereby declared to be unlawful:

(a) x x x

(b) Outside employment and other activities related thereto. – Public officials and employees during their incumbency shall not:

(1) x x x

(2) Engage in the private practice of their profession unless authorized by the Constitution or law, provided that such practice will not conflict or tend to conflict with their official functions;

X X X."

On the other hand, CHED Resolution No. 40-98 allows CHED officials and staff to have teaching loads under certain conditions, namely, 1) that they shall only be allowed to teach graduate and post graduate programs; 2) that these programs are being offered in government recognized institutions with at least level III accredited programs; and 3) that they shall be required to submit their application for permit to teach to the Office of the Chairman supported by appropriate credentials.

Because of these afore-quoted requirements, it cannot be said that there is a conflict between these provision of R.A. 6713 and the CHED Resolution. As found by the Commission, there was no showing that respondent submitted her application for a permit to teach to the Office of the CHED Chairman. Perhaps if that application was submitted, it is very probable that the conflict between her teaching and her official function as Regional Director for Region II could have been properly determined. Further, considering that as alleged by complainant, which was not denied by respondent, the SLCT is still applying for a permit from CHED, hence not yet a recognized institution for such level.

With respect to the second issue, Section (b)(1) also prohibits a public official or employee during their incumbency to “accept employment as officer, employee, consultant, counsel, broker agent, trustee or nominee in any private enterprise regulated, supervised or licensed by their office unless expressly allowed by law.”

The last paragraph of Section 7(b) also states:

“These prohibitions shall continue to apply for a period of one (1) year after resignation, retirement or separation from public office, except in the case of subparagraph (b)(2) above, but the professional concerned cannot practice his profession in connection with any matter before the office he used to be with, in which case the one-year prohibition shall also apply.”

This one-year prohibition fully debunks the Commission’s view that respondent cannot be faulted for applying and accepting the position of Dean of the Graduate Studies since anyway her appointment can no longer be renewed. While it is true that respondent is technically no longer with the CHED, but under Section (b) of RA 6713, the prohibition continues to apply one (1) year after resignation, retirement or separation from the service hence she is liable for its violation.

Be that as it may, respondent Reyes is hereby found to have violated Sections 7(b)(1) and (2) of R.A. 6713.

WHEREFORE, premises considered, and as recommended by the PCAGC, now PAGC, respondent Liduvina C. Reyes, Regional Director, Region II, Commission on Higher Education, Tuguegarao City is hereby **SUSPENDED FOR A PERIOD OF SIX (6) MONTHS WITHOUT PAY**, for violation of Section 7(b)(1) and (2) of Republic Act 6713.

SO ORDERED.

Manila, Philippines, **FEB 26 2002**

By authority of the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 31
IMPOSING THE PENALTY OF SIX MONTHS SUSPENSION ON LIBERTY C. TUPAZ,
REGIONAL DIRECTOR, TECHNICAL EDUCATION AND SKILLS DEVELOPMENT
AUTHORITY (TESDA) REGION IX

This refers to the administrative case against Liberty C. Tupaz, Regional Director, Technical Education and Skills Development Authority (TESDA) Region IX, for violation of the General Appropriations Act and other related laws.

The findings and recommendation of the then Presidential Commission Against Graft and Corruption (PCAGC), as embodied in its Resolution dated April 17, 2001, are quoted as follows:

“On October 10, 1999 and November 10, 1999, this Commission issued a subpoena ad testificandum and duces tecum requiring the State Auditor of TESDA Region IX to submit to this Commission some pertinent documents relative to the alleged violation of the respondent. (pp. 17 and 18, Records)

“Upon evaluation of the documents thus submitted, it was found that there was sufficient evidence to commence an administrative investigation, hence, this Commission pursuant to its powers under Executive Order No. 151, as amended, issued on January 17, 2000, an order requiring the respondent to submit her counter-affidavit/verified answer to the complaint together with the affidavits of witnesses and other documents/papers in her defense. (pp. 134 to 136, Records)

“On January 14, 2000, the complaint was referred to the Office of the Ombudsman for appropriate action on the criminal aspect of the case. (p. 133, Records)

“On 11 February 2000, the respondent filed her counter-affidavit/verified answer together with certain attached documents. (pp. 137 and 268, Records)

“A preliminary conference was conducted on 23 February 2000 wherein both parties were duly represented by their respective counsel. (pp. 280 and 281, Records)

“As agreed upon, the complainant filed an amended verified complaint on March 7, 2000. (pp. 282 to 290, Records)

“The amended complaint charged the respondent of the following acts/omissions, to wit:

- (1) that the respondent received transportation allowance (TA) despite the fact that a government vehicle was assigned to her;
- (2) that the respondent used the assigned vehicle without the appropriate mark “FOR OFFICIAL USE ONLY”;

(3) that she failed to appoint an officer-in-charge to sign papers and official documents in her absence during her frequent travels to Dipolog City;

(4) that the respondent failed to observe proper decorum in the discharge of her official functions; and

(5) that the respondent violated the law against nepotism when she designated Mr. Edgar S. Cadavedo as officer-in-charge of the Provincial Office in Zamboanga.

“In her counter-affidavit/verified answer, the respondent averred as follows:

(1) that she denies all the charges levelled against her;

(2) that while she admitted to have received her transportation allowance from November 1997 to December 1998, she altogether desisted from receiving the transportation allowance when the Supreme Court issued a ruling in the case of *Aida Domingo vs. Commission on Audit* (G.R. No. 112371, October 7, 1998) in relation to COA Circular No. 2000-005 ‘that whenever an official or employee entitled to transportation allowance uses the government vehicle issued to his office, a corresponding proportionate reduction on his transportation allowance shall be made’;

(3) that she claimed that her acts of designating Edgar Cadavedo did not constitute a violation of the rules on nepotism because the latter is not related to her within the third degree prohibited by the Civil Service Law;

(4) she averred that she used the government vehicle assigned to her without the designated mark ‘For Official Use Only’ because of the threats against her life and security;

(5) on the charge of her frequent travels, she stated that there were some national projects and programs which were personal accountability of the Regional Director; and

(6) she denies that she had never appointed any officer-in-charge during her travels. (pp. 343 to 348, Records)

“On October 2, 2000, the parties were directed to submit their respective formal offer of evidence for the complainant on or before October 12, 2000 and for the respondent on or before October 17, 2000.

“The exhibits thus submitted, disclosed that: (1) the respondent issued an office order dated February 10, 1998 which provided that Tamaraw FX (Plate No. 611) should be for the official use of the Regional Director (p. 293, Records); (2) that the respondent designated Mr. Edgar S. Cadavedo, in her office order dated January 12, 2000 (p. 283, Records); (3) that the transportation allowance received by the respondent from November 1997 to November 1998 amounting to P73,800.00 was disallowed. (pp. 294 to 296, Records)

“Sec. 41 of the General Appropriations Act provides that:

“The transportation allowance herein authorized shall not be granted to officials who are assigned a government vehicle or use government motor vehicle’.

“The respondent by receiving a transportation allowance despite the fact that she was assigned a government vehicle violated the above-quoted provision in the General Appropriations Act.

“Although the respondent denied all the charges levelled against her, it was, however, indubitably shown that she was administratively liable for violation of Sec. 41 General Appropriations Act (GAA) in relation to Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act, for receiving transportation allowance notwithstanding the fact that she was assigned a government motor vehicle.

“Her defense that, from the time of the ruling of the Supreme Court in the case of Aida Domingo vs. Commission on Audit (G.R. No. 112371, October 7, 1998), she desisted from receiving said transportation allowance is unavailing considering that the law prohibiting the collection of transportation allowance when an officer is assigned/using a government vehicle was already in place/in effect. The best that she could have done was to have refunded the amount.

“On the charge of nepotism against the respondent, Sec. 6, Rule XVIII of the Civil Service Law is applicable, reading as follows:

‘No appointment in the national, province, city and municipal government or in any branch or instrumentality thereof, including government-owned or controlled corporation with original charters shall be made in favor of a relative of the appointing or recommending authority, or of the chief of the bureau or office, or of the persons exercising immediate supervision over the appointee.

‘Unless otherwise specifically provided by law, as used in this Section, the word “relative” and members of the family referred to those related within the third degree either of consanguinity or of affinity.’

“The records of the case failed to show, however, that the appointee is related to the respondent within the third degree either of consanguinity or of affinity, hence, respondent is not administratively responsible therefore.”

“As regards the other charges, the same are dismissed for insufficiency of evidence.”

“WHEREFORE, in view of the foregoing, this Commission finds respondent Liberty C. Tupaz, Regional Director, Technical Education and Skills Development Authority (TESDA) Region IX, GUILTY for violation of Sec. 41, General Appropriations Acts in relation to Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act, and so recommends to Her Excellency, President Gloria Macapagal-Arroyo, that the penalty of suspension from the service for six (6) months be imposed.”

“SO RESOLVED.”

After an exhaustive review of the records of the case, this Office concurs with findings and conclusions of the Presidential Commission Against Graft and Corruption supported as they are by substantial evidence.

WHEREFORE, in view of the foregoing and as recommended by the Presidential Commission Against Graft and Corruption, respondent Liberty C. Tupaz, Regional Director, Technical Education and Skills Development Authority (TESDA), Region IX, is hereby suspended from office without pay for a period of six (6) months effective upon receipt hereof.

SO ORDERED.

Manila, Philippines, **MAR 04 2002**

By authority of the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 32

PROVIDING FOR ADJUSTED OFFICIAL WORKING HOURS IN ALL DEPARTMENTS, BUREAUS, OFFICES AND OTHER AGENCIES UNDER THE EXECUTIVE BRANCH OF THE GOVERNMENT, INCLUDING GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS, DURING THE MONTHS OF APRIL AND MAY OF THE YEAR 2002

WHEREAS, it is the policy of the State to encourage and promote domestic tourism;

WHEREAS, tourism has been identified as one of the largest contributors to the country's gross domestic product and a major contributor to the growth and development of the national economy;

WHEREAS, knowledge and awareness on the part of our citizens of our country's various natural, historical and cultural heritage can make a significant contribution to the nation's goals of national unity and socio-economic, cultural and educational development;

WHEREAS, as front liners in the public service, government employees could best encourage the promotion of domestic tourism by imparting their own experiences to the public;

WHEREAS, to enable government employees to visit the various domestic tourism destinations in the country and for them to convey the knowledge and experience they have gained during their travels, the Secretary of the Department of Tourism recommends the adjustment of their official working hours during specific regular working days of the week in the summertime.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. During the months of April and May of the year 2002, employees of all departments, bureaus, offices and other agencies under the executive branch of the government, including government-owned or controlled corporations, shall have the option not to report for work on Mondays or on Fridays provided that during said period:

- (a) such employees shall report for work four (4) consecutive days of each workweek, except on holidays;
- (b) such employees shall render not less than ten (10) hours of work a day, exclusive of meal periods, either from Tuesday to Friday or from Monday to Thursday of each workweek, except on holidays; and
- (c) the head of the concerned department, bureau, office, agency or government-owned or controlled corporation shall ensure that at least half of its workforce shall report for work on Mondays and the other half on Fridays to assure the efficient delivery of basic governmental services to the public. The concerned department, bureau, office, agency or government-owned or controlled corporation must have a full or complete workforce on Tuesdays, Wednesdays and Thursdays.

SECTION 2. This Administrative Order shall not cover the Armed Forces of the Philippines, the Philippine National Police, the Philippine Coast Guard, government hospitals and health centers and other government agencies involved in providing health, safety, police, security, protection and other emergency services.

SECTION 3. All concerned departments, bureaus, offices, agencies and government-owned or controlled corporations are directed to promulgate the appropriate rules and regulations for the efficient implementation of this Administrative Order.

SECTION 4. The Department of Budget and Management is hereby directed to issue the necessary guidelines, rules and regulations to provide for adjustments in the wages or compensation, including PERA, ADCOM and payment for overtime services, of government employees affected by the implementation of this Administrative Order.

SECTION 5. The legislative and judicial branches of the government, the constitutional commissions and the private sector are encouraged to adopt the above mentioned official working hours during the months of April and May of the year 2002.

SECTION 6. This Administrative Order shall take effect immediately upon approval.

City of Manila, March 18, 2002.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 33
DIRECTING THE ORGANIZATION AND IMPLEMENTATION OF ACTIVITIES AND
PROGRAMS TO CELEBRATE PHILIPPINE INDEPENDENCE DAY ON JUNE 12, 2002

WHEREAS, there is a need for the Filipino people to commemorate the heroism and self-sacrifice of our forefathers in the struggle for independence;

WHEREAS, the 104th anniversary of the proclamation of Philippine Independence is the ideal occasion for all Filipinos to unite and rally behind the government and the country's institutions;

WHEREAS, there is a need to properly plan, implement and coordinate all programs and activities leading to the said celebration.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Secretary of Tourism is hereby designated to take the lead in the planning, coordination, implementation and conduct of programs and activities in the celebration of Philippine Independence Day 2002.

SEC. 2. All departments, bureaus, offices, national government agencies, local government units and government-owned and controlled corporations are hereby enjoined to give full support, assistance and cooperation to the Secretary of Tourism in the exercise of his responsibilities under this Order.

SEC. 3. All branches of government are enjoined to participate in the Independence Day celebration as well as to enlist the participation of private sector groups and non-government organizations so that the 104th Philippine Independence Day celebration will be a show of unity and strength during these challenging times.

Local government units together with the private sector groups and NGOs are likewise enjoined to celebrate Philippine Independence Day in their respective localities.

SEC. 4. The programs and events for the Philippine Independence Day celebration shall include, to the extent appropriate, the following:

- a. Pambansang Araw ng Watawat (Philippine National Flag Day) on May 28 as the kick-off ceremony for the two-week Pagdiriwang ng Malayang Filipino (Philippine Independence Day Festival) to be conducted from May 28 to June 12, 2002. A special Program on "Paggalang sa Watawat" and "Pagpapahalaga sa Pambansang Awit" may be held on June 11.
- b. Raising of the national flag and wreath-laying at the Rizal monument in the Rizal Park on June 12, 2002 at about 7:00 in the morning.
This activity shall be replicated in places of national historical significance such as the Barasoain Church in Malolos, Bulacan; Aguinaldo Shrine in Kawit, Cavite; the Bonifacio Monument in Kalookan City; and the Pinaglabanan Shrine in San Juan, Metro Manila.
All other cities and municipalities around the country are enjoined to simultaneously hold similar activities on the same day and time.

- c. The Philippine Independence Day Parade at the Quirino Grandstand in the afternoon of June 12 which shall be meaningful and relevant to the theme of the celebration, to be followed by a special cultural program at the same venue.

SEC 5. In support of the 104th Philippine Independence Day celebration, all concerned government agencies and local government units are, subject to budgetary laws and issuances, authorized to allocate such amounts as may be necessary to defray expenses for the said event.

SEC 6. The release of **TEN MILLION PESOS (P10,000,000.00)** chargeable against the President's Contingent Fund for FY 2002 is hereby authorized to carry out the provisions of this Administrative Order.

Fund augmentation thereon, as may be necessary, shall be sourced from any of the regular items in the 2002 General Appropriations Act or from such other sources as may be determined by the Department of Budget and Management.

SEC 7. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 15th day of April, in the year of Our Lord, two thousand and two.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 34
PROVIDING FOR THE REVIVAL OF CABINET OFFICERS FOR REGIONAL DEVELOPMENT

WHEREAS, the Cabinet Officers for Regional Development (CORD) system was established under Administrative Order No. 55 on 09 February 1988, amended by Administrative Order 95 on 10 October 1988, but abolished by Executive Order No. 7 on 30 September 1998;

WHEREAS, the CORD system has been proven to be an effective linkage mechanism between the regional and sub-regional levels of government and the national leadership and in assisting the President address problems in government operations in the region and sub-regional levels;

WHEREAS, under the Administrative Code of 1987, the President has the continuing authority to implement desired administrative changes;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *Cabinet Officers for Regional Development.* – The CORD system is hereby revived. In addition to his/her regular duties, a Cabinet member may be assigned to discharge the functions, duties and responsibilities herein provided with respect to a particular region. The Cabinet member so assigned by the President shall be called the Cabinet Officer for Regional Development (CORD).

SEC. 2. *Functions, Duties and Responsibilities of the CORD.* – The CORD shall perform, among others, the following functions, duties and responsibilities:

- a. Assist in articulating the region's concerns and perceptions in the Cabinet, with the other Departments, the Office of the President and concerned agencies;
- b. Assist the President in the speedy, efficient and orderly resolution of problems in government operations in his/her assigned region;
- c. Identify and clarify key issues and concerns affecting peace and order and security, thru the Regional Peace and Order Councils (RPOC) and the Cabinet Oversight Committee on Internal Security (COC-IS) sub-national levels;
- d. In coordination with the Regional Development Councils (RDC) and other local special bodies, assist in defining priorities and projects in the region;
- e. Undertake regular visits for the purpose of conducting consultations with local officials and the private sector in his/her region of assignment;
- f. Ensure that all programs, projects and activities of the national government in the region are well implemented, and information thereon fully disseminated to the people through various mechanisms and strategies;
- g. Act as Lead Convenor during Presidential regional meetings;
- h. Submit reports as necessary of his/her activities to the President through the Executive Secretary;
- i. Perform such other functions as may be assigned by the President.

SEC. 3. *Operational Relationship.* – The CORD shall, in the discharge of his/her functions, duties and responsibilities, coordinate with the various agencies and local government units (LGUs) concerned. He/she shall not duplicate the regular functions of any government agency or body. He/she shall deal with the existing administrative bodies, through their central offices, when calling attention to specific matters of concern.

SEC. 4. *Staff Support.* – The CORD shall coordinate with and draw its staff support as follows:

- (a) on matters affecting the RDC – from the regional office of the National Economic and Development Authority;
- (b) on matters affecting the RPOC and internal security – from the NAPOLCOM regional office and the sub-national group of the COC-IS;
- (c) on matters affecting government operations in the region – from the Presidential Assistants and Regional Development Executives assigned in the region pursuant to Executive Order No. 44 dated October 23, 2001.

SEC. 5. The Executive Secretary is hereby authorized to issue implementing guidelines to ensure and facilitate the submission of reports of CORD activities, findings and recommendations. He is likewise authorized to establish the necessary mechanisms for speedy resolution of CORD-identified issues and concerns by national agencies.

SEC. 6. *Repealing Clause.* – All orders, issuances, rules and regulations and other issuances or parts thereof, which are inconsistent with this Administrative Order, are hereby repealed or modified accordingly.

SEC. 7. *Effectivity.* – This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 2nd day of May, in the year of our Lord, two thousand two.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). [*Administrative Order Nos.: 1 - 110-A*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 35

DIRECTING ALL DEPARTMENTS, BUREAUS, GOVERNMENT-OWNED AND/OR CONTROLLED CORPORATIONS, GOVERNMENT FINANCIAL INSTITUTIONS, LOCAL GOVERNMENT UNITS, STATE UNIVERSITIES/COLLEGES AND SCHOOLS, AND OTHER GOVERNMENT AGENCIES/INSTRUMENTALITIES TO PROMOTE AND CONDUCT RELEVANT ACTIVITIES DURING THE ANNUAL OBSERVANCE OF THE NATIONAL DISABILITY PREVENTION AND REHABILITATION WEEK

WHEREAS, Proclamation No. 1870 was issued on June 22, 1979 declaring the third week of July as the National Disability Prevention and Rehabilitation (NDPR) Week to highlight the nation's efforts towards disability prevention and rehabilitation leading to the effective integration of persons with disabilities into the mainstream of society as mandated under RA 7277 otherwise known as the "Magna Carta for Disabled Persons;"

WHEREAS, Proclamation No. 361 was subsequently issued on August 19, 2000 resetting the dates of the annual observance of the National Disability Prevention and Rehabilitation Week which culminates on the birthdate of the sublime paralytic, Apolinario Mabini, on July 23 each year;

WHEREAS, the National Commission Concerning Disabled Persons (NCCDP) which was created by virtue of Presidential Decree No. 1509 dated June 11, 1978, and became National Council for the Welfare of Disabled Persons (NCWDP) by virtue of Executive Order No. 232 dated July 22, 1987, is mandated to serve as the central authority of the government which will direct, coordinate, and integrate planning and management as well as implementation of all activities, public and private, pertaining to the welfare of persons with disabilities;

WHEREAS, it is in the national interest to stimulate public awareness on all matters and issues involving persons with disabilities and encourage every citizen to take active responsibility in uplifting their economic and social conditions as well as recognizing the abilities of our brethren with disabilities;

WHEREAS, these efforts require the re-affirmation of support by this Government in partnership with non-government organizations working for/of persons with disabilities hand-in-hand with concerned agencies, as well as the private sector through the participation of the Filipino citizenry;

WHEREAS, in celebrating the National Disability Prevention and Rehabilitation (NDPR) Week, there is a need to institute tangible programs to fully realize the objectives set forth in the aforecited statutes;

WHEREAS, the activities or programs initiated to mark the celebration of the milestones achieved for this marginalized sector will focus on encouraging the person with disability sector in taking proactive roles in nation building.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order all heads of departments, bureaus, agencies, government-owned and/or controlled corporations (GOCCs), government financial institutions (GFIs), local government units (LGUs), state universities/colleges and schools, and other government agencies/

instrumentalities to promote and conduct relevant activities in the annual celebration of the National Disability Prevention and Rehabilitation Week as follows:

SECTION 1. The National Council for the Welfare of Disabled Persons (NCWDP) will spearhead the holding of a series of activities involving government and private agencies to highlight the nation's efforts towards disability prevention and rehabilitation leading to the effective integration of persons with disabilities into the mainstream of society.

SEC. 2. All departments, agencies, offices, GOCCs and LGUs and other government agencies/instrumentalities as well as the mass media and the entire citizenry are hereby required to extend their whole-hearted support and cooperation by conducting specific programs necessary to give effect to this order.

SEC. 3. All public and private welfare agencies are hereby enjoined to participate and cooperate actively in propagating the plight of persons with disabilities. Any financial contributions and/or fund-raising shall be tax-exempt (which shall include the sweepstakes draw, among others.)

SEC. 4. Funding. – Funds necessary to carry out the provisions of this Administrative Order shall be sourced out by the concerned agencies from the appropriation prescribed under Section 29 and 31 of the General Appropriations Act of 2002 starting this year. Thereafter and in the ensuing celebrations, all concerned government agencies shall allocate an amount equivalent to not less than 1% of their total budget for the year as provided for under Section 29 & 31 of the 2002 General Appropriation Act.

SEC. 5. Repealing Clause. – All orders, issuances, or parts thereof inconsistent with this Administrative Order are hereby repealed or modified accordingly.

SEC. 6. Effectivity. – This Administrative Order shall take effect immediately.

Done in the City of Manila, this 3rd day of May, in the year of Our Lord, two thousand and two.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 36
INSTITUTIONALIZATION OF THE PEOPLE'S ACTION TEAM RESPONDING ON-LINE
(PATROL) PROGRAM AND FOR OTHER PURPOSES

WHEREAS, Administrative Order No. 124 provided for the creation of a Joint Commission on Street Watch program, a crime prevention and community safety undertaking;

WHEREAS, the Department of the Interior and Local Government (DILG) is the lead government agency in the implementation of Street Watch program with the Foundation for Crime Prevention (FCP) as its private sector partner;

WHEREAS, the DILG and its partner organizations have revitalized and expanded the Street Watch program through the introduction of a barangay-based security and development program known as the People's Action Team Responding On-Line (PATROL) program;

WHEREAS, there is a need to further strengthen the PATROL program, through a more strategic tandem between government and civil society, to manifest government's resolve to carry out not only an anti-crime program but a broader undertaking encompassing security and development efforts;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order the following:

SECTION 1. Institutionalizing the PATROL Program. The PATROL Program is hereby institutionalized as a barangay-based security and development program, involving the active participation of the citizenry and the government through application of various strategies such as advocacy, training, organization, mobilization and monitoring.

SEC. 2. Revitalizing the Joint Street Watch Commission. The Joint Street Watch Commission shall heretofore be known as the PATROL "117" Commission which shall likewise serve as policy making body and overseer of the PATROL Program. The Commission shall have an implementing arm to be headed by the Executive Director who is likewise the head of the Commission's secretariat, to ensure the sound implementation of the program especially in the barangays nationwide.

SEC. 3. Composition of the Commission. The composition of the Commission is constituted as follows:

Chairman – Secretary, Department of Interior and Local Government
President, Bankers Association of the Philippines;
President, Federation of Filipino Chinese Chamber of Commerce and Industry;
President, Philippine Chamber of Commerce and Industry;
Executive Vice President, Foundation for Crime Prevention;
Chairman, Kapisanan ng mga Brodkaster sa Pilipinas;
Four (4) representatives from the private sector who shall be appointed by the Chairman and shall represent any of the following sectors: academic, religious, media, labor, legal, youth, women, cooperatives, cultural, minority and people's organizations.

The Commission shall be composed of members who are deemed volunteers and shall, therefore, have no corresponding compensation for services rendered to the Commission.

SEC. 4. The Peace and Order Council. – The different Peace and Order Councils shall provide support to the program by actively engaging in the activities thereunder.

SEC. 5. Funding. – The DILG shall provide funding of P33 Million yearly budget from the DILG Office of the Secretary Community-Based Fund, to sustain and efficiently operate the program.

SEC. 6. Other Funding Source. – The Foundation for Crime Prevention (FCP), as partner of the DILG, shall generate fund sources for the PATROL program to complement government resources.

SEC. 7. LGUs Support Initiative. – The LGUs are encourage to provide and extend funding support and such other support through their respective Peace and Order Councils for the effective implementation of the program.

SEC. 8. Rules and Regulations. – The DILG as Chairman of the PATROL “117” Commission and Chairman of the National Peace and Order Council shall issue the necessary guidelines to effect the implementation of this Order.

SEC. 9. Repealing Clause. – Any provision of Administrative Order No. 124 and/or other related issuance inconsistent with the provisions of this Administrative Order is hereby modified and repealed accordingly.

SEC. 10. Effectivity. – This Order shall take effect immediately.

Done in the City of Manila, this 3rd day of May, in the year of Our Lord, two thousand and two.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2002). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 37
DIRECTING THE NATIONAL HISTORICAL INSTITUTE TO ORGANIZE THE OBSERVANCE
OF THE NATIONAL HEROES DAY ON AUGUST 25, 2002

WHEREAS, Act No. 3827 dated October 28, 1931 declared the last Sunday of August of every year as “National Heroes Day”;

WHEREAS, it is important that such day be observed and celebrated with appropriate ceremonies;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby direct the National Historical Institute to organize the observance of the National Heroes Day on Sunday, August 25, 2002.

The Department of Budget and Management is hereby authorized to release the amount of Five Hundred Thousand Pesos (P500,000.00) from the President’s Contingent Fund to defray the expenses for the activities commemorating the Year 2002 National Heroes Day.

This Administrative order shall take effect immediately.

Done in the City of Manila, this 19th day of August, in the year of Our Lord, two thousand and two.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 38

**PROVIDING FOR THE INSTITUTIONAL STRENGTHENING OF THE DEPARTMENT OF
ENERGY BY REDEFINING THE FUNCTIONS AND SERVICES OF ITS BUREAUS, SERVICE
UNITS AND OFFICES**

WHEREAS, Section 12 of Republic Act No. 7638, known as the Department of Energy Act of 1992, empowers the Secretary of Energy, subject to the approval of the President, to reorganize, restructure, and redefine the functions of the bureaus and services for the effective discharge of the powers and functions of the Department;

WHEREAS, Section 8(d) of the said Act also empowers the Secretary of Energy to create regional offices and such other service units and divisions as may be necessary;

WHEREAS, after the creation of the Department of Energy, several laws were passed that expanded the role and functions of the Department of Energy, such as the Downstream Oil Industry Deregulation Act of 1998 (Republic Act No. 8479), the Philippine Clean Air Act of 1999 (Republic Act No. 8749), and most recently, the Electric Power Industry Reform Act of 2001 (Republic Act No. 9136);

WHEREAS, owing to the Department's expanded role in the allocation, mobilization and optimum employment of our country's energy resources, there is a need to institutionally strengthen the Department of Energy to cope with these developments;

WHEREAS, the Secretary of Energy recommends the issuance of this Administrative Order;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Policy on Institutional Strengthening. The Secretary of Energy is authorized to implement the institutional strengthening of the Department of Energy, its bureaus, units and offices, upon prior concurrence of the Department of Budget and Management, and guided by the declared policy under Section 2, Chapter 1, Book IV of the Administrative Code of 1987 that bureaus and offices shall be grouped primarily on the basis of major functions to achieve simplicity, economy and efficiency in government operations and minimize duplication and overlapping of activities.

Section 2. Bureaus and Their Functions and Services. Pursuant to Section 12 of Republic Act No. 7638, the Department of Energy shall maintain the following bureaus:

- a. The Energy Resource Development Bureau (ERDB). – The ERDB shall have the following functions and services:
 - i. formulate and implement policies, programs, and regulations on the exploration, development and production of energy from indigenous petroleum, petrochemical, coal and geothermal energy resources; and
 - ii. undertake product and market development of coal and geothermal resources/ industries.

b. The Energy Utilization Management Bureau (EUMB). – The EUMB shall have the following functions and services:

- i. formulate and implement policies, programs, and regulations on new energy technologies, alternative fuels and the efficient, economical transformation, marketing and distribution of conventional and renewable energy resources; and
- ii. undertake plans, programs and strategies to ensure efficient and judicious utilization of conventional and renewable energy resources.

c. The Energy Policy and Planning Bureau. – The Energy Planning and Monitoring Bureau is hereby renamed as the Energy Policy and Planning Bureau (EPPB). The EPPB shall have the following functions and services:

- i. develop, prepare and update an integrated national energy plan and other support plans for the energy sector;
- ii. formulate energy policies, programs and strategies;
- iii. undertake comprehensive assessment of the demand scenarios and supply options; and
- iv. undertake studies on the impact of energy policies on the economy and environment.

d. The Electric Power Industry Administration Bureau and the Oil Industry Administration Bureau. – To identify and particularize areas of responsibility in industry administration, the Energy Industry Administration Bureau is hereby re-defined according to industry, as follows:

- (i) the Electric Power Industry Administration Bureau (EPIAB) and (ii) the Oil Industry Administration Bureau (OIAB).

The EPIAB shall have the following functions and services:

- i. supervise the restructuring of the electric power industry, with a view to establishing a competitive, market-based environment and encouraging private-sector participation;
- ii. formulate plans and programs that would ensure adequate, efficient and reliable supply of electricity; and
- iii. formulate plans, programs and strategies on rural electrification.

The OIAB shall have the following functions and services:

- i. formulate and implement policies, programs, and regulations on the downstream oil industry, including the importation, exportation, stockpiling, storage, shipping, transportation, refining, processing, marketing and distribution of petroleum crude oils, products and by-products; and
- ii. monitor developments in the downstream oil industry.

e. Administrative Services, Financial Services and Legal Services. – To better define the broad administrative support functions of the Administrative Support Services created under Republic Act No. 7638, the said unit is hereby re-defined into three (3) distinct services; namely: the Administrative Services, the Financial Services, and the Legal Services.

The Administrative Services shall formulate and implement policies, programs, and regulations on human resource, relations, as well as coordinate activities for special events of the Department of Energy.

- d. Investment Promotion Office (IPO) – The IPO shall formulate and implement policies and programs on promotion of investments in energy resource exploration, technology and infrastructure, among others.

Further, existing service units and offices shall be renamed and their functions re-defined as follows:

- a. The Internal Audit Unit – The existing Management and Audit Division shall be renamed and re-defined as the Internal Audit Unit (IAU). The IAU shall monitor, audit and review the implementation of existing internal control systems, work processes and policies, and shall recommend improvements and corrective actions thereto.
- b. The Information Technology and Management Services – The current Geodata and Information Services Division and Management Information Division shall be integrated, renamed and re-defined as the Information Technology and Management Services (ITMS). The ITMS shall formulate policies, implement programs, and provide services on information and communications technology, geo-informatics, and data and information management.
- c. The Energy Research and Testing Laboratory Services (ERTLS) – The following existing laboratory units shall be subsumed under one (1) service unit, the ERTLS: (i) the Appliance Testing Laboratory, (ii) the National Petroleum Testing Laboratory, and (iii) the Energy Research Laboratory.

The ERTLS shall have the following functions and services:

- i. research and conduct scientific and physical tests on rocks, oil and gas, coal, waters, processed fuels and trace metals, among others, in support of the exploration and development of indigenous energy resources; and
- ii. provide technical testing on energy efficiency and calibration methodologies with a view to enhancing energy efficiency programs.
- d. Luzon, Visayas, and Mindanao Field Offices – The existing Visayas and Mindanao Field Offices shall be expanded to include Luzon Field Offices. The operatives of these field offices shall be the immediate representatives of the Department of Energy in said field offices for the implementation of its policies, plans, programs, and regulations therein.

Section 4. Separation and Other Benefits. Pursuant to Section 63 of the Electric Power Industry Reform Act of 2001 (Republic Act No. 9136), officers and employees separated from the Energy Industry Administration Bureau as a result hereof shall be entitled to the corresponding benefits therein. All other officers and employees separated as a result hereof shall be entitled to the benefits provided under the Government Service Insurance Act of 1997 (Republic Act No. 8291).

Section 5. Appropriations for Staffing Pattern. Institutional strengthening in accordance hereof shall not result in any increase in the corresponding appropriations for the Department of Energy. Further, the Secretary of Energy shall submit to the Department of Budget and Management for evaluation and final approval the resultant staffing pattern for the Department of Energy.

Section 6. Implementing Guidelines, Rules and Regulations. The Secretary of Energy shall promulgate the necessary implementing guidelines, rules and regulations to ensure the orderly implementation of this Administrative Order.

Section 7. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 23rd day of August, in the year of our Lord, Two Thousand and Two.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). [*Administrative Order Nos.: 1 - 110-A*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 38-A

AMENDING ADMINISTRATIVE ORDER NO. 38 DATED AUGUST 23, 2002 IN ORDER TO PROVIDE FOR THE SEPARATION BENEFITS PROVIDED BY LAW FOR OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF ENERGY DISPLACED OR SEPARATED AS A RESULT OF THE RESTRUCTURING OF THE ELECTRIC POWER INDUSTRY

WHEREAS, Administrative Order No. 38 dated August 23, 2002 effected the institutional strengthening of the Department of Energy to enable the Department of Energy to respond adequately to its expanded role and functions arising from the passage of new laws, including Republic Act No. 9136, otherwise known as the Electric Power Industry Reform Act of 2001;

WHEREAS, Section 63 of the Electric Power Industry Act of 2001 provides for the separation benefits of government officials and employees affected by the restructuring of the electric power industry;

WHEREAS, the institutional strengthening of the Department of Energy as a necessary component in the restructuring of the electric power industry resulted in the displacement or separation from service of several officers and employees of the Department of Energy, other than those belonging to its Energy Industry Administration Bureau;

WHEREAS, the Secretary of Energy recommends the issuance of this Administrative Order, with the concurrence of the Secretary of Budget and Management;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Amendment. Section 4 of Administrative Order No. 38 dated August 23, 2002 is hereby amended to read as follows:

“Section 4. Separation and Other Benefits. Pursuant to Section 63 of the Electric Power Industry Reform Act of 2001 (Republic Act No. 9136), officers and employees separated from the Department of Energy as a result hereof shall be entitled to the corresponding benefits therein; *Provided*, That before an officer or employee may avail of separation benefits hereunder, the Secretary of Energy shall have approved the separation from the service of and issued the appropriate clearance for the particular officer or employee concerned.”

Section 2. Implementing Guidelines, Rules and Regulations. The Secretary of Energy shall promulgate, with the concurrence of the Secretary of Budget and Management, the necessary implementing guidelines, rules and regulations to ensure the orderly implementation of this Administrative Order.

Section 3. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 2nd day of July, in the year of our Lord, Two Thousand and Three.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**
President of the Philippines

By the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 39

DIRECTING THE PRESIDENTIAL ANTI-GRAFT COMMISSION TO CONDUCT A FORMAL INVESTIGATION AGAINST LUNG CENTER OF THE PHILIPPINES (LCP) EXECUTIVE DIRECTOR FERNANDO A. MELENDRES, M.D., ORDERING HIS PREVENTIVE SUSPENSION FOR NINETY (90) DAYS PENDING THE FORMAL INVESTIGATION, AND AUTHORIZING THE SECRETARY OF HEALTH TO APPOINT AN INTERIM OFFICER-IN-CHARGE OF THE LCP

Respondent Executive Director Fernando A. Melendres, M.D., of the Lung Center of the Philippines (LCP) is the subject of a complaint filed by the members and non-members of the medical staff of the LCP for procurement of presentation banner without public bidding complexed with falsification of documents; falsification of documents in the hiring of an architectural consultant; violation of auditing rules on the drawing of petty cash advances to circumvent the law on public bidding of infrastructure projects; and unauthorized implementation of the reorganization plan unapproved by the Board of Trustees. The fact-finding committee created by the LCP's Board of Trustees submitted a report finding a prima facie case against respondent Executive Director Melendres and recommending the filing of formal charges against him. The said Board of Trustees approved the finding and recommendation of the fact-finding committee, transmitted the report and the records of the case to this Office, and further recommended the placing of Executive Director Melendres under preventive suspension during the pendency of the investigation against him.

In view of the foregoing and pursuant to Executive Order (E. O.) No. 12 dated April 16, 2001, the Presidential Anti-Graft Commission (PAGC) is hereby ordered to conduct a formal inquiry against respondent Executive Director Melendres for the alleged commission of the aforementioned acts that if true are clearly disadvantageous to the government and violative of Civil Service laws and rules.

The PAGC shall observe the prevailing rules and procedures prescribed under existing Civil Service laws and regulations, and shall terminate the formal inquiry within ninety (90) days from receipt of this Order.

The PAGC shall, likewise, within twenty (20) days after receipt of the last pleading or evidence, if any, in case respondent Executive Director Melendres does not elect a formal investigation, or after the termination of the formal investigation, should respondent Executive Director Melendres elect one, forward to this Office the entire records of the case together with its findings and recommendations, as well as a draft decision for the approval of the President.

In the meantime, pending the formal inquiry, respondent Executive Director Melendres is hereby ordered placed under preventive suspension for a period of ninety (90) days commencing from his receipt of this Order considering the gravity of the charges against him, which, in the light of the recommendation of the Board of Trustees of the LCP, if proven, may warrant his dismissal from the service.

To ensure the continuity of the operations of the LCP and to prevent any possible disruption of the orderly and efficient dispensation of medical and health services to its patients, the Secretary of Health, in his capacity as ex-officio Chairman of the Board of Trustees of the LCP, is hereby authorized and empowered to appoint an interim Officer-in-Charge of the LCP, who shall perform all the functions and discharge the responsibilities of an Executive Director throughout the effectivity of the period of preventive suspension of respondent Executive Director Melendres.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 11th day of September, in the year of our Lord, two thousand and two.

By authority of the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER. 40
**CREATING SPECIAL TASK FORCE “PAGBABALIK TULONG” TO ADDRESS THE PROBLEMS
POSED BY THE DEPORTATION OF PHILIPPINE CITIZENS FROM SABAH**

WHEREAS, the deportation of an increasing number of Philippine citizens from Sabah has given rise to serious and pressing concerns which require immediate intervention by the National Government, and necessitate concerted action and coordination between national government agencies and local government units to be effectively addressed;

WHEREAS, there is an urgent need to create an inter-departmental task force to ensure maximum cooperation among the concerned national government agencies and local government units to insure responsive and timely delivery of essential government services on behalf of returning and displaced Philippine citizens.

NOW, THEREFORE, I GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby create Task Force “Pagbabalik Tulong” (the “Task Force Pagbabalik Tulong”) to be chaired by the Presidential Adviser on Muslim Communities, and composed of the heads of the following agencies:

- a. Department of Foreign Affairs
- b. Department of Social Welfare and Development
- c. Department of Labor and Employment
- d. Department of Health
- e. Department of Interior and Local Government
- f. Department of National Defense
- g. Philippine National Police
- h. Department of Justice (Bureau of Immigration)
- i. Local Government unit concerned.

SECTION 1. Task Force Pagbabalik Tulong shall have the following primary functions.

1. To ensure maximum coordination and cooperation between the concerned national government agencies and local government units to address the requirements of the deportees, and to show the concern of the national government for the well-being of our returning countrymen;
2. To ensure adequate humanitarian facilities and social support services, to include the reception, classification, alternate livelihood, temporary shelter, including transportation of Philippine citizens from Sabah to their respective places of origin or domicile;
3. To provide adequate health services to deportees as may be necessary upon their arrival in the Philippines;
4. To facilitate the documentation of those who wish to return to Malaysia, upon compliance with the pertinent immigration laws, rules and regulations of that country;

5. To arrange for adequate security while returning deportees are in transit, upon their arrival in the country, and during their reception and processing at designated government processing centers;
6. To submit periodic reports and recommendations to the Office of the President; and
7. To perform such other tasks as may be assigned by the President.

SECTION 2. Effectivity. – This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 1st day of October, in the year of Our Lord, Two Thousand and Two.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 41
IMPOSING THE ACCESSORY PENALTIES OF DISQUALIFICATION FROM THE
GOVERNMENT SERVICE AND FORFEITURE OF ALL FINANCIAL BENEFITS, ON
JOVITO VERNON S. VALENTE, THEN DIRECTOR IV, ADMINISTRATIVE SERVICE (AS),
DEPARTMENT OF BUDGET AND MANAGEMENT

This refers to the letter-complaint dated August 1, 2001, by Secretary Emilia T. Boncodin of the Department of Budget and Management (DBM) charging Jovito Vernon S. Valente, Director IV, Administrative Service (AS), Department of Budget and Management, for Dishonesty and Gross Misconduct, having officially claimed in official papers/documents on file with the said department, the following: (a) to be a Certified Public Accountant (CPA); (b) to be an 8th Placer in the 1975 CPA Board of Examinations; (c) to be a holder of a Master of Science in Commerce Degree, major in Business Economics at the University of Sto. Tomas; (d) to have earned a grade of Meritissimus in his management degree; and (e) to be a candidate for PhD in Economics with dissertation in progress at the University of Sto. Tomas, when in truth and in fact, he was not.

Quoted hereunder are the findings of facts and law of the Presidential Anti-Graft Commission as contained in its Resolution dated March 26, 2002, thus-

“On August 3, 2001, the criminal aspect of the case was referred to the Office of the Ombudsman for appropriate action. (p. 167, Records)

“On August 30, 2001, this Commission requested the Chief, Personnel Division of the said DBM to bring certified true copies of the 201 File of the respondent. (p. 168, Records)

“On September 12, 2001, the Chief, Personnel Division appeared bringing with her the requested papers. She affirmed the truth and authenticity of the documents attached to the letter-complaint, more particularly, the alleged misrepresentations of the respondent in his Personal Data Sheet.

“On September 20, 2001, finding the existence of a *prima facie* case against the respondent, this Commission issued an order requiring him to file his counter-affidavit or verified answer to the complaint. (pp. 169 – 170, Records)

“The respondent failed to comply, hence, on January 10, 2002, this Commission issued another order stating, among other things: (a) that until then respondent failed to file his required counter-affidavit; and (b) that because of the gravity of the offense charged, and his not being able to consider the consequences of his failure to file the required counter-affidavit, that is: waiver of his right to file the same and present evidence in his behalf (Sec. 2, Rule 5 of the Revised Rules of Procedure).

“On February 6, 2002, at the preliminary conference, because the respondent still failed to file his counter-affidavit, he was again given another fifteen (15) days to file the same.

“On March 18, 2002, in his letter to this Commission dated March 15, 2002, he informed that Secretary Boncodin was desisting from pursuing the case against him. (p. 174, Records)

“On March 22, 2002, this Commission, bending a little backward, for the last time, gave respondent until April 3, 2002 to file the said counter-affidavit and to attend the preliminary conference on April 10, 2002.

“Still, respondent failed to comply.

“On April 10, 2002, at the preliminary conference, both parties failed to appear despite due notice. Hence, this Commission, considering that the evidence for the complainant have already been presented, ordered that the hearing be terminated and the case be considered submitted for resolution based on the records of the case.

“The records of the case disclose that in a letter of the respondent to Secretary Boncodin dated April 10, 2002, respondent expressed true contrition of the things he had done, and hoped that the Secretary ‘will find it in her heart to be understanding and drop the case against’ him. Thus, we quote:

‘I have suffered through many sleepless nights and have been constantly bothered by my conscience. My wrongdoings have affected my health and more important(ly), my peace of mind. Inasmuch as I had already suffered so much and equally gave up so much, my career and hopes for a better future, I appeal for your compassion and humanitarian consideration. Finally, I regret whatever damage or inconvenience I may have caused.’

“These are words manifesting acts of contrition for a wrong done. They are, nevertheless, admission of a wrongful act with dire consequences as it leaves no doubt as to the truth of the allegations of the letter-complaint.

“The term ‘admission’ embraces any statement of fact made by a party which is against his interest or unfavorable to the conclusion for which he contends or inconsistent with the facts alleged by him. (Gomez vs. Lithuania, 65 OG 7592)

“While this Commission commiserates with him, the law must be enforced; justice must prevail as a stark lesson to those inclined to inflict injury to any party including the government.

“Respondent committed acts of falsification in violation of Art. 171 (4) of the Revised Penal Code in relation to Sec. 4, (par. A), sub-par, (c) of Republic Act 6713, the Code of Conduct and Ethical Standards for Public Officials and Employees.

“Thus, par. 4, Art. 171 of the Revised Penal Code reads, as follows:

‘Art. 171. *Falsification by public officer, employee; or notary or ecclesiastical minister.* – The penalty of prision mayor and a fine not to exceed 5,000 pesos shall be imposed upon any public officer, employee,

or notary who, taking advantage of his official position, shall falsify a document by committing any of the following acts:

1. xxx xxx xxx
2. xxx xxx xxx
3. xxx xxx xxx
4. Making untruthful statements in a narration of facts.’

And Sec. 4, par. (A), sub-par. (c) of R.A. 6713 reads as follows:

‘(c) *Justness and sincerity.* - Public officials and employees shall remain true to the people at all times. They must act with justness and sincerity and shall not discriminate against anyone, especially the poor and the underprivileged. They shall at all times respect the right of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest. They shall not dispense or extend undue favors on account of their office to their relatives whether by consanguinity or affinity except with respect to appointments of such relatives to positions considered strictly confidential or as members of their personal staff whose terms are coterminous with theirs.’ (Underscoring ours)

“*Dura lex sed lex* - The law may appear to be harsh, yet the law is the law and its validity presumed, so that its majesty should be respected and obeyed. (Donato vs. Aquino, 00214-R (CAR), October 2, 1972)

“**WHEREFORE, PREMISES CONSIDERED,** this Commission finds the respondent **GUILTY** and so recommends to Her Excellency, President Gloria Macapagal-Arroyo that, the respondent being no longer in the government service, only the accessory penalties of disqualification from the government service and forfeiture of all his financial benefits be imposed.

“**SO RESOLVED.**”

After a careful review of the records of the case, this Office affirms *in toto* the findings of the Commission holding the respondent **GUILTY** of the charges against him.

WHEREFORE, in view of the foregoing considerations, and as recommended by the Presidential Anti-Graft Commission, the accessory penalties of disqualification from the government service and forfeiture of all financial benefits are hereby imposed on respondent Jovito Vernon S. Valente, then Director IV, Administrative Service, Department of Budget and Management.

DONE in the City of Manila, this 1st day of October, in the year of Our Lord, Two Thousand Two.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 42

RATIONALIZING THE IMPLEMENTATION OF THE PHILIPPINE ENVIRONMENTAL IMPACT STATEMENT (EIS) SYSTEM AND GIVING AUTHORITY, IN ADDITION TO THE SECRETARY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, TO THE DIRECTOR AND REGIONAL DIRECTORS OF THE ENVIRONMENTAL MANAGEMENT BUREAU TO GRANT OR DENY THE ISSUANCE OF ENVIRONMENTAL COMPLIANCE CERTIFICATES

WHEREAS, the Environmental Impact Statement (EIS) System was established by virtue of Presidential Decree No. 1586 (1978) to facilitate the attainment and maintenance of a rational and orderly balance between socio-economic growth and environmental protection;

WHEREAS, the need to incorporate environmental concerns in the country's efforts for national development should be done in the most efficient manner so that neither the environment nor national development are compromised;

WHEREAS, Section 4 of Presidential Decree No. 1586 establishing the Philippine Environmental Impact Statement System empowers the President or his duly authorized representative to grant or deny the issuance of environmental compliance certificates (ECCs) for environmentally critical projects within environmentally critical areas;

WHEREAS, Section 7 of Executive Order No. 192 providing for the reorganization of the Department of Environment, Energy, and Natural Resources (DEENR) and renaming it as the Department of Environment and Natural Resources (DENR) vests in the Secretary of the DENR the authority and responsibility to exercise the mandate of the DENR, accomplish its objectives and discharge its powers and functions;

WHEREAS, the Secretary of DENR, as alter ego of the President, is deemed to have the power to grant or deny the issuance of ECCs on behalf of the President;

WHEREAS, under Section 21, Chapter 4, Title XIV, Book IV of Executive Order No. 292, the Administrative Code of 1987, the DENR Regional Offices are responsible for, *inter alia*, implementing laws, policies, plans, programs, projects, rules and regulations of the DENR to promote the sustainability and productivity of natural resources, social equity in natural resources utilization and environmental protection in their respective regions;

WHEREAS, under Section 34, Chapter 4 of the provisions of Republic Act No. 8749 (Philippine Clean Air Act of 1999), the Environmental Management Bureau was converted from a staff bureau, into a line bureau with the Regional Directors in charge of the various regional offices;

WHEREAS, the Environmental Management Bureau (EMB), together with the Environmental Impact Assessment (EIA) Review Committee, through the years of implementation of the Philippine EIS System, has established competence in the review and evaluation of the environmental impact of development projects;

WHEREAS, the current procedures on the ECC application process need to be streamlined;

WHEREAS, Section 4 of Executive Order No. 291 (1996) provides for the continuous strengthening of the Environmental Impact Assessment capability of the DENR.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law and the Constitution, in order to further simplify the requirements and streamline the processing of ECC applications do hereby authorize, in addition to the Secretary of the Department of Environment and Natural Resources, the Director and Regional Directors of the Environmental Management Bureau to grant or deny the issuance of Environmental Compliance Certificates.

SECTION 1. Declaration of Policy. It is the policy of the State that optimum economic development shall be achieved without delay and shall be pursued to ensure that the present generation meets its needs without compromising the needs of future generations. Hence, a systems-oriented and integrated approach in the analysis and solution to environmental concerns vis-à-vis national development programs shall be implemented.

SEC. 2. Streamlining the ECC Application Processing and Approval Procedures. Consistent with the above-mentioned policy, the following are hereby ordered:

- A. Project proponents are hereby directed to simultaneously conduct the environmental impact study (as required for ECC application) and the feasibility study of the proposed project.
- B. The endorsing official, approving authority and processing timeframes for ECC applications shall be as follows:

Type of Project	Endorsing Official	Approving Official	Processing Timeframe (not to exceed)
Environmentally critical project (Single Project)	EMB Central Office Director	DENR Secretary/EMB Director	120 working days
Non Environmentally Critical Project located in Critical areas	EIA Division chief, Regional Office	EMB Director/Regional Director	60 working days
Projects Not Covered by the EIS System	EIA Division chief EMB Central/Regional Office	EMB Director/Regional Director	15 days

If no decision is made within the specified processing timeframe, the ECC application is deemed automatically approved and the approving authority shall issue the ECC within five (5) working days after the prescribed processing timeframe;

- C. The DENR-EMB shall be limited to a maximum of two (2) official requests for additional information (in writing) from the ECC applicant.
- D. Projects that have no significant environmental impact shall not be required to secure an ECC. The EMB in coordination with the Department of Trade and Industry (DTI) shall review and is hereby authorized to update/make appropriate revisions on the technical guidelines on the EIS Systems Implementation including the technical definition of “Environmentally Critical Projects” and “Environmentally Critical Areas” as provided for in Presidential Proclamation No. 2146 (1981), to take into consideration, among others, industrial and technological innovations and trends;

SEC. 3. *Strengthening the Implementation of the Philippine EIS System.*

- A. The DENR-EMB shall conduct regular consultations with DTI, affected industry groups and other stakeholders for the purpose of continually improving the processing of ECC applications to fulfill the above-mentioned policy. The DENR Secretary shall accordingly appraise the President of the issues raised as well as the actions taken by the DENR to address these issues;
- B. The information systems on the policy, program and project level aspects of the EIS System implementation shall be improved for the effective dissemination of critical information to the public, including the regular updating of the status of ECC applications on the website;
- C. In order to effectively implement the above provisions, the current EIA adhoc division at the EMB Central Office and the EMB Regional Office who are primarily in-charge of the processing of ECC applications shall be converted into a full-pledged division. The new position items for the EIA Division shall be created out of the existing budget and vacant position items within the government service which shall be reclassified accordingly.

SEC. 4. The DENR Secretary shall issue implementing guidelines as necessary to ensure effective compliance with this Order.

SEC. 5. *Repealing Clause.* All administrative orders including Administrative Order No. 300 (1996), executive orders, rules and regulations inconsistent with any provisions of this Order shall be deemed revoked, amended or modified accordingly.

SEC. 6. *Effectivity.* This Administrative Order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 2nd day of November, in the year of our Lord, two thousand and two.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 43
CREATING A NATIONAL ORGANIZING COMMITTEE AND DESIGNATING MEMBERS
THEREOF FOR THE INTERNATIONAL CONFERENCE ON ANTI-TERRORISM AND
TOURISM RECOVERY

WHEREAS, terrorism poses a serious challenge to the peace and security of the country as well as of the international community;

WHEREAS, the Government is determined to sustain and redouble its efforts pursuant to its commitment to the global war against terrorism;

WHEREAS, as a measure of preparedness against terrorism and by way of support to the international campaign against all forms of terrorism, the Government has offered to host the International Conference on Anti-Terrorism and Tourism Recovery on 08-09 November 2002 in Manila, Philippines;

NOW THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the following:

SECTION 1. *Constitution of a National Organizing Committee.* A National Organizing Committee is hereby created to ensure the successful conduct of the International Conference on Anti-Terrorism and Tourism Recovery. The National Organizing Committee shall be composed of the following officials of the government:

Secretary, Department of Foreign Affairs	–	Chairman
Secretary, Department of Tourism	–	Co-Chair
National Security Council Adviser	–	Co-Chair
Secretary, Department of National Defense	–	Member
Secretary, Department of the Interior and Local Government	–	Member
Presidential Adviser on Strategic Concerns	–	Member
DFA Undersecretary Lauro L. Baja, Jr.	–	Member
DOT Undersecretary Evelyn B. Pantig	–	Member
NSC Deputy Director General	–	Member

The National Organizing Committee is hereby authorized to call upon any department, bureau, office, agency, or instrumentality of the Government for any assistance it may need in the discharge of its duties and functions.

SECTION 2. *Working Committees.* The National Organizing Committee shall create working committees and designate the members thereof from their respective departments and other departments/agencies, as may be necessary, to ensure the success of the International Conference on Anti-Terrorism and Tourism Recovery.

SECTION 3. *Secretariat.* The Secretariat of the National Organizing Committee shall be designated from among its member departments.

SECTION 4. *Funds.* The amount of FOUR MILLION (P4,000,000.00) PESOS, is hereby authorized to be released chargeable against the Office of the President, to be disbursed exclusively for purposes of the conference subject to the usual government accounting and auditing rules and regulations.

SECTION 5. *Effectivity.* This Administrative Order shall take effect immediately.

Done in the City of Manila, this 7th day of November, in the year of our Lord, two thousand and two.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). [*Administrative Order Nos.: 1 - 110-A*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 44

DIRECTING THE CHAIRMAN OF THE NATIONAL HISTORICAL INSTITUTE TO ORGANIZE
THE OBSERVANCE OF THE 106TH ANNIVERSARY OF THE MARTYRDOM OF
DR. JOSE P. RIZAL ON DECEMBER 30, 2002

I, **GLORIA MACAPAGAL-ARROYO**, President of the Philippines, by virtue of the powers vested in me by law, do hereby direct the Chairman of the National Historical Institute to organize the observance of the 106th death anniversary of Dr. Jose P. Rizal on December 30, 2002.

The Department of Budget and Management is hereby authorized to release the amount of TWO MILLION PESOS (P2,000,000.00) from savings to defray the expenses for the Year 2002 activities commemorating the martyrdom of Dr. Jose P. Rizal.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 8th day of November, in the year of Our Lord, two thousand and two.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 45
DESIGNATING THE OFFICE OF THE VICE PRESIDENT TO OVERSEE, SUPERVISE AND
IMPLEMENT AGREED DEVELOPMENT PROGRAMS

WHEREAS, there exists a vital need to promote, accelerate and implement various socio-economic programs;

WHEREAS, in the joint statement of the President and the Vice President on July 2, 2002 the Overseas Filipino Investment Bond, the Housing Program for Overseas Filipino Workers [OFWs] and Others, and the establishment of an integrated steel plant in Mindanao were identified as vital programs;

WHEREAS, the establishment of a Seafarer's Welfare Program is another vital program;

WHEREAS, there are other socio-economic programs, particularly those involving the development of Mindanao, that may hereafter be agreed to be covered within this Administrative Order;

WHEREAS, under Section 31, Chapter 10, Title III, Book III of the Administrative Code of 1987, the President has the continuing authority to reorganize the administrative structure of the Office of the President;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *Mandate.* The Office of the Vice President [OVP] shall oversee, supervise and implement all the aforementioned programs. The OVP shall be the representative of the Government in the oversight and supervision of such programs until their completion. The concerned government agencies institutionally in charge of the relevant projects under the aforementioned programs shall be placed under the oversight and supervision of the OVP with respect to the relevant projects to ensure smooth, timely, effective implementation under the agreed programs.

SECTION 2. *Powers and Functions.* Pursuant to its mandate, the OVP shall exercise the following powers and functions:

- a. Advise the President in matters concerning the aforementioned programs, and provide analyses and recommendations on policies and operational issues, particularly those relative to Mindanao development.
- b. Review all aspects related to the aforementioned programs, recommend short and long term measures and appropriate actions to address policy, institutional implementation, and operational issues and concerns, particularly those relative to Mindanao development. The OVP shall therefore oversee and supervise the implementation and completion of all relevant projects under the aforementioned programs.
- c. Call upon any agency of the government for such assistance as may be necessary to address problems affecting the relevant projects.

- d. Promote foreign and local investment opportunities related to the aforementioned programs, and as necessary, prioritize relevant projects under the aforementioned programs in cooperation with national government agencies, local government units, and other stakeholders.
- e. The OVP shall be actively assisted by all Presidential appointees, on areas that may be appropriate, to promote and accelerate the socio-economic development of the people of Mindanao.
- f. Elected officials in areas affected by the aforementioned programs shall continue to perform their functions relative to the socio-economic projects covering their respective areas of responsibility as provided by law. They are enjoined to extend full support and cooperation to the OVP under this mandate.
- g. Perform all other functions that the President may direct.

SECTION 3. *Technical and Administrative Support.* The OVP is authorized to formulate the organizational structure of its secretariat and engage the services of consultants, as may be approved by the President.

SECTION 4. *Funding.* Funding shall be taken from such available resources as may be determined by the Department of Budget and Management. Appropriations for the succeeding years shall be incorporated in the budget proposal for the OVP.

SECTION 5. *Repealing Clause.* All executive issuances, rules and regulations or parts thereof which are inconsistent with this Administrative Order are hereby revoked, amended, or modified accordingly.

SECTION 6. *Effectivity.* This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 25th day of November, in the year of our Lord, Two Thousand and Two.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). [*Administrative Order Nos.: 1 - 110-A*]. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT OF THE PHILIPPINES
MALACAÑANG

ADMINISTRATIVE ORDER NO. 46
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE OF JOSE B. DAGUMAN,
ASSISTANT CITY PROSECUTOR, PROSECUTION OFFICE, CITY OF MANILA

This refers to the administrative complaint filed by then Department of Justice (DOJ) Secretary Serafin R. Cuevas against respondent Jose B. Daguman, Assistant City Prosecutor, Prosecution Office of the City of Manila, for grave misconduct, dishonesty, conduct prejudicial to the best interest of the service and conduct unbecoming a public officer.

The facts of the case, as found by the DOJ in its letter of October 1, 2001, are as follows:

“On April 30, 1999, complainant Estrella R. Garame went to the office of the respondent to inquire and seek assistance on behalf of her husband Russ L. Garame who was presented for inquest before him on April 29, 1999. Belen Perez and Pompia Ramos accompanied her inside the office. Respondent informed the complainant that the bail recommended for her husband’s provisional release is P100,000.00. Informing him that she did not have that amount, respondent talked to Pompia Ramos, a province mate, who in turn informed the complainant that the respondent was asking for P6,000.00. Respondent told the complainant that the amount was for the police officers. Thereafter, he will prepare the release papers. Since the complainant did not have that amount, respondent asked her to give at least half the amount. Complainant was able to borrow from Belen Perez the amount of P3,000.00 consisting of small denominations, which she gave to the respondent. Pompia Ramos witnessed the respondent receive the amount. Thereafter, he instructed the complainant to find the means to produce the balance of in order that her husband will be released on Monday, May 3, 1999.

On May 1, 1999, complainant was informed by her neighbor Saldo dela Torre that the respondent was looking for her at her house. Not being able to talk to the complainant, respondent gave her a call in the evening inquiring if she already had the money to which she replied in the negative. The following day, respondent returned to her [complainant’s] house located at Nepomuceno St., Quiapo, Manila, to inquire about the balance. Complainant was able to see the respondent at his house on May 4, 1999, when she asked to be furnished with copies of the inquest documents considering that Franco Galo, her uncle who was going to lend the money was asking for it. Complainant met her uncle on May 5, 1999. Upon asking the documents, her uncle said that her husband is under detention and he needs to submit his answer to the complaint against him. They went to Malacañang to see a certain Jude P. Fajardo. The latter prepared a letter addressed to Atty. Samuel Ong of the National Bureau of Investigation. Complainant was able to talk to Atty. Ong who in turn referred her to NBI agent Antonio Suarez. She relayed to him that respondent demanded from her the amount of P6,000.00 but was only able to give half the amount, and that

she was still demanding for the balance. Upon the instruction of agent Suarez, complainant made a call to the respondent at around noon informing him that she only had P2,000.00. Inquiring whether her husband could be released, respondent directed her to proceed to his office where they can discuss the matter. Later in the afternoon, agent Suarez produced the P2,000.00 placed in an envelope. NBI agent Julma Dizon-Dapilos, who is to be complainant's companion posing as her aunt, instructed her to hand over the money to the respondent only when he makes the demand. Around 4:00 P.M., complainant arrived at the respondent's office. She introduced agent Dizon-Dapilos to the respondent, who immediately inquired about the money. Responding that she was only able to produce P2,000.00, respondent instructed her to place the money inside the drawer. As directed, complainant removed the money from the envelope, folded it and placed it inside the table drawer which was opened by the respondent. Agent Dizon-Dapilos inquired if the complainant's husband could be released. The latter answered that it was already late in the afternoon and that they should return at around noon the following day. She again inquired if it was possible to release complainant's husband in the morning. The respondent replied in the negative since he was busy but he will try his best. At that instance, complainant stepped out of the room and apprised agent Suarez about what transpired inside the room. In the meantime, agent Dizon-Dapilos announced to the respondent that he is being placed under arrest. He was read his constitutional rights. While complainant was waiting inside an NBI vehicle, she saw the respondent being escorted by the NBI agents. They all proceeded to the NBI office.

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The defense raised by respondent Daguman consists mainly of denials and explanations concerning the commission of the offense. Respondent, in seeking his exoneration, avers that the reason, why the present case was filed against him is because of the fact that complainant was embarrassed and humiliated when he shouted at her inside his office on April 30, 1999 that her husband is a snatcher. He explains that the reason why the inquest records remained in his office is because his secretary failed to turn them over to the docket section on May 3, 1999, in view of the latter's absence.

In support of his defense, respondent submitted the following pieces of documents: Exhibit '1', a sketch showing the interior of respondent's room at the City Prosecution Office of Manila; Exhibit '2', sworn statement of Roger Roxas dated June 21, 1999; Exhibit '3', sworn statement of Asst. City Prosecutor Exequiel Y. Sison, Jr., dated June 18, 1999; and Exhibit '4', sworn statement of respondent dated June 21, 1999.

Formal charges of grave misconduct, dishonesty, conduct prejudicial to the best interest of the service and conduct unbecoming of a public officer were filed against herein respondent by the Secretary of Justice and docketed as NPS Administrative Case No. 99-0022-FS. After the conduct of the formal investigation, respondent Daguman was found guilty of the charges and the penalty of dismissal from service was recommended to be imposed upon him."

There is no iota of doubt that on the basis of the evidence, both testimonial and documentary presented by the complainant, respondent Jose B. Daguman is guilty of the acts complained of. Based on the foregoing facts, there is substantial evidence indubitably showing that respondent committed acts of grave misconduct, dishonesty and conduct prejudicial to the best interest of the service when he demanded from Estrella R. Garama the amount of P6,000.00 on April 30, 1999 and actually received P3,000.00 as partial payment for the release of her husband Russ L. Garama who was brought before him for inquest investigation on April 29, 1999.

There is no reason to doubt the NBI agents' testimony which is fully supported by documentary evidence showing that respondent was indeed arrested during an entrapment operation on May 5, 1999 while in the act of receiving the balance of P2,000.00 marked money from the complainant. Noteworthy to mention at this point is the fact that not only do the NBI Agents enjoy in their favor the presumption of regularity in the performance of their duties when they conducted the entrapment operation, their testimonies, more particularly those of Agents Suarez and Dizon-Dapilos, remained uncontroverted. Neither has the respondent sufficiently explained why the inquest records of Russ L. Garama remained in his possession until May 5, 1999 when it was recovered by the NBI Agents inside his table drawer. Under the normal procedure, the inquest record should have been turned over to the docket section of the City Prosecution Office of Manila on May 3, 1999 for assignment of an I.S. Number immediately the following working day. Nor did he bother to present his secretary Pedrito Hebron to at least corroborate his explanation.

As against the respondent's bare denials, the sworn affidavits of complainant, her witnesses and the documentary proofs attached to the records are more convincing and nearer to the truth. They have no motive for fabricating the charges against the respondent except to bring justice. Credence should also be given to the testimonies of the NBI agents coming as it does from an unpolluted source. These agents had no reason to testify falsely against the respondent prosecutor. In fact, they had caught respondent in *flagrante delicto*.

For another, the claim of respondent that there was ill-will on the part of the complainants is hardly plausible. It is highly improbable for complainant to embark on a malicious prosecution just to retaliate and take revenge on the respondent, knowing fully well that the fate of her husband lies in the hands of the latter. It is more in accord with reason and logic to presuppose that there was some sort of a demand made by the respondent in exchange for certain favorable considerations like working for the release of complainant's husband from jail.

From the foregoing, the conclusion is inescapable that respondent can easily be influenced by monetary considerations. This act of the respondent of demanding and receiving money from the wife of the accused constitutes serious misconduct in office. It is this kind of gross and flaunting misconduct, no matter how nominal the amount involved, on the part of those who are charged with the responsibility of administering the law will surely erode the people's respect for law and lose faith and trust in the prosecution service which is expected to render fair and equal justice to all.

ACCORDINGLY, premises considered, and as recommended by the Department of Justice, respondent Assistant City Prosecutor JOSE B. DAGUMAN is hereby DISMISSED from the service with forfeiture of all leave credits and retirement benefits and with prejudice to re-employment in any branch of government, including government-owned and controlled corporations.

Done in the City of Manila, Philippines, this 25th day of November, 2002.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 47
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON ASSISTANT CITY
PROSECUTOR ZENAIDA C. ISIDRO OF THE OFFICE OF THE CITY PROSECUTOR OF
TACLOBAN CITY, FOR DISHONESTY AND GROSS NEGLIGENCE OF DUTY

This refers to the administrative complaint, docketed as DOJ Administrative Case No. 99-0032-FS, initiated by Ruperto B. Golong, Jr, Chief City Prosecutor (CCP) of Tacloban City, charging Assistant City Prosecutor (ACP), Zenaida C. Isidro, of the City Prosecutor's Office of Tacloban City detailed at the City Prosecutor's Office of Calbayog City, for dishonesty. The charge sheet reads as:

“That you had consistently reported in your Monthly Accomplishment Report for 1996, 1997 and from January to June 1998 that you had either one (1) or two (2) or no (0) pending case for resolution and in your Monthly Certificate of Service for the same period; that you had no pending case for resolution beyond 60-day period. However, when an inventory of your cases was made x x x it was found out that you had fifty-six (56) cases unresolved for 1996, sixty-six (66) unresolved cases for 1997 and twenty-six (26) unresolved cases for 1998 or a total of one hundred forty-four (144) cases (unresolved) for the said years”

In support of the charges, CCP Gulong submitted Isidro's monthly accomplishment report where she made it appear that she had a 100% total disposition rate of cases for the period covering 1996-1998, and Isidro's Certificates of Service for the same period stating that she had no pending case for preliminary investigation/reinvestigation/or review that was more than sixty (60) days from the time a case was assigned to her.

In her defense, Isidro denies that she was dishonest when she certified in her accomplishment report that she had no pending cases for the periods 1996, 1997 and from January to June, 1998. She admits, however, that in 1996 to 1997 she suffered recurrent ailment that affected her efficiency. She further explains that the bulk of these cases were for violations of B.P. 22, which basically are collection cases where the complainant was less interested in prosecuting the respondents; that a number of these cases did not reach the courts because of complainants' desistance, while others did not end in conviction because of settlement. Thus, she explains, to rush the filing of these cases in court would only clog court dockets and entail additional expenses on the part of the government. Under the circumstances, she reasons, it would be more judicious if the rules are relaxed than to adhere strictly to the time limit imposed by the rules. To substantiate her allegations, Isidro submitted her medical certificate and leave application filed on May 29 1997.

Isidro likewise cites other factors, such as the lack of mimeograph forms of the Information for BP 22, which she claims contributed to the delay in the resolution of the BP 22 cases.

Lastly, she explains that, as a matter of usual practice, the Office of the City Prosecutor of Tacloban City distributes the Certificates of Service to the assistant prosecutors concerned for their

respective signatures one or two days before they transmitted to the Central Office in Manila; that the forms are already prepared so she just had to affix her signature therein. She admits that she did not give meticulous consideration to the certifications written on the form notably the second certification regarding the pending cases. She insists though that she was not motivated by dishonesty when she affixed her signature on those forms.

Following a thorough investigation and a careful evaluation of the complainant's allegations and the evidence presented vis-à-vis Isidro's explanation, the Secretary of Justice found Isidro guilty of dishonesty and gross neglect of duty, and recommended that she be dismissed from the service

We concur with the DOJ's findings.

Dishonesty is the concealment or distortion of truth in a matter of fact relevant to one's office or connected with the performance of one's duties. Dishonesty is a serious offense. It reflects on the person's character and exposes the moral decay which virtually destroys one's honor, virtue and integrity (Prieto vs. Caraga 242 SCRA 315). Under Section 22 of Rule XIV of the Implementing Rules of the Civil Service, the offense of dishonesty is punishable by dismissal.

The fact that ACP Isidro committed acts constituting the offense of dishonesty appears to have been established. By declaring in her Accomplishment Reports that she had a 100% total disposition rate of cases for the periods covering 1996 to 1998, and by certifying in her Certificate of Service that she had no pending cases, when, in truth and in fact, she had a total of 144 unresolved cases for the said period, Isidro deliberately concealed the truth on a matter relevant to her office, i.e. that she failed to comply with the directive under DOJ Circular No. 49, s. of 1993. This issuance requires all prosecutors to terminate and resolve preliminary investigation of complaints within sixty (60) days from date of assignment. Being public documents, the falsification of Accomplishment Reports and the Certificate Service constitutes a serious offense of dishonesty as there is a duty to disclose the truth.

Isidro's protestations of innocence and good faith deserve scant consideration as they are but attempts to cover up and justify her negligence as well as her noncompliance with the prescription of DOJ Circular No. 49.

WHEREFORE, premises considered, and as recommended by the Department of Justice, Assistant City Prosecutor Zenaida C. Isidro of the Office of the City Prosecutor of Tacloban City, is hereby dismissed from the service for dishonesty and gross neglect of duty effective upon receipt of this Order.

DONE in the City of Manila, this 25th day of November, in the year of our Lord, two thousand and two.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 48
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON MANILA ASSISTANT
CITY PROSECUTOR ROMEO C. SAMPAGA

This refers to the administrative complaint for violation of Section 7(d) of Republic Act (R. A.) No. 6713 and Section 22 (j), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order (E. O.) No. 292 (Administrative Code of 1987) filed against Assistant City Prosecutor Romeo C. Sampaga of the Prosecutor's Office of Manila for contracting a loan of money from a complaining witness in a case he handled as a prosecutor.

The record shows that on November 7, 1997, respondent Prosecutor Sampaga, who was then assigned as a public prosecutor at Branch 7 of the Metropolitan Trial Court of Manila, contracted a loan of five thousand pesos (P5,000.00) from Anna Leonicia V. Morales, a complaining witness in a slander by deed case pending before the said court. When respondent prosecutor failed to pay the said loan, complainant Anna Leonicia Morales filed the instant administrative complaint against the former in the Department of Justice.

During the hearing of the administrative complaint in the Department of Justice, respondent prosecutor failed to rebut complainant's evidence despite sufficient period of time given to him to present his defense. Consequently, the Secretary of Justice found respondent prosecutor guilty of contracting a loan of money from a person with whom he had business relations in violation of Section 7 (d) R. A. No. 6713 and Section 22 (j), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 (Administrative Code of 1987). The penalty of dismissal from the service was recommended by the Secretary of Justice.

The findings and recommendation of the Secretary of Justice appear in order.

Indeed, contracting a loan of money from any person in the course of one's official duties or with whom the office of the public official concerned has business relations is an unlawful and prohibited act under Section 7 (d) of R. A. No. 6713, Section 46 (b) (23) of Book V of Executive Order (E. O.) No. 292 (Administrative Code of 1987), and Section 22 (j) of Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292. The said laws consider this illegal act as a grave offense that is punishable by dismissal from office even if the same was committed by the respondent as a first offense. The rationale for this is that it is the policy of the State to promote a high standard of ethics in the public service wherein public officials and employees should at all times be accountable to the people and should discharge their duties with utmost responsibility, integrity and competence (Section 2, R.A. No. 6713). Respondent prosecutor clearly breached this State policy.

WHEREFORE, premises considered, and as recommended by the Department of Justice, respondent Assistant City Prosecutor Romeo C. Sampaga is hereby dismissed from the service with forfeiture of leave credits and retirement benefits, and disqualification for re-employment in the government service effective from receipt of this order.

Done in the City of Manila, Philippines, this 25th day of November, in the year of our Lord, two thousand and two.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) ALBERTO G. ROMULO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT OF THE PHILIPPINES
MALACANANG

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 49

**IMPOSING ON MANILA CITY ASSISTANT PROSECUTOR ROMEO C. SAMPAGA
THE PENALTY OF DISMISSAL FROM THE SERVICE, WITH FORFEITURE OF ALL
BENEFITS ACCRUING TO HIM OR WHICH MAY HAVE ACCRUED IN HIS FAVOR, AND
DISQUALIFICATION FROM RE-EMPLOYMENT IN THE GOVERNMENT SERVICE**

This refers to the administrative case against respondent Asst. City Prosecutor Romeo C. Sampaga, Office of the City Prosecutor, Manila, docketed herein as O.P. Case No. 001-E-9613 (Administrative Case No. 20-0014-FS in the office *a quo*), entitled “Secretary of Justice v. Assistant City Prosecutor Romeo C. Sampaga” for violation of Section 7 of Republic Act No. 6713 and Section 22, Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292.

This case arose from an administrative complaint filed by private complainant against respondent. Private complainant avers that he came to personally know the respondent on August 26, 1998 when he filed a criminal complaint (I.S. No. 98H-46193-4) against a certain Violeta Gregorio, which was assigned to the respondent for preliminary investigation.

On October 27, 1998, respondent issued the resolution in I.S. No. 98H-46193-4 finding probable cause against Violeta Gregorio for Estafa and Violation of Batas Pambansa Big. 22. On November 16, 1998, respondent caused the filing of criminal Informations for estafa (*Criminal Case No. 98-168731*) and violation of Batas Pambansa Blg. 22 (*Criminal Case No. 313807*) against Violeta Gregorio before the Regional Trial Court and the Metropolitan Trial Court, respectively, of Manila.

On March 15, 1999, respondent went to private complainant’s business stall at No. 1554 Claro M. Recto Avenue, Sta. Cruz, Manila, and requested the latter to exchange for cash the following Banco Filipino checks which he issued in favor of the private complainant:

<u>Exhibits</u>	<u>Check No.</u>	<u>Due Date</u>	<u>Amount</u>
B to B-4	0101105	March 31, 1999	P20,000.00
C to C-4	0101131	April 10, 1999	25,000.00
D to D-4	0101132	April 14, 1999	30,000.00
E to E-4	0101052	April 18, 1999	20,000.00
Total-----			P95,000.00

Out of courtesy and respect to the respondent, and his representation and assurance that the checks were good and will be honored upon maturity, private complainant acceded to his request and parted with his money on the same day. Upon maturity, the checks were dishonored for the reason of “Account Closed”. Demand was made upon respondent to make good the checks, but he failed and refused to comply therewith.

As directed, respondent filed his Reply/Comment dated June 22, 2000. He admitted issuing the checks to the private complainant in payment of a pre-existing obligation. He avers that there is a pending petition for review filed with the Office of the Secretary of Justice for the reason that he has not received a notice of dishonor from Banco Filipino. Pending resolution of such petition, he is settling the civil aspect of the case. He avers that he suffered temporary financial reverses and has no intention of evading his obligation. He prays for the dismissal of the complaint for lack of basis.

Finding the existence of a *prima facie* case against the respondent, a formal administrative charge was issued against him on October 23, 2000. The initial hearing of the formal investigation was scheduled on November 22, 2000. Respondent filed his "Answer", denying that on March 15, 1999, private complainant had a case pending preliminary investigation before his office. He denies having received a notice of dishonor/letter of demand from the private complainant. He avers that this instant case is one of harassment and prays for its dismissal; otherwise, he elects for the conduct of a formal administrative investigation. The prosecution waived its right to file a Reply. The parties agreed to a second hearing on December 1, 2000.

On December 1, 2000, respondent filed a "Motion to Dismiss". He claims that the prosecution's waiver to file a Reply is an admission of his allegations in the Answer, more specifically, that private complainant had no case pending preliminary investigation with his office on March 19, 1999 or with the Office of the City Prosecutor of Manila. Attached to the motion is a certification issued on November 29, 2000 by the Office of the City Prosecutor of Manila. Upon denial of his motion, the parties agreed to set the subsequent hearing on December 7, 2000.

On December 7, 2000, respondent did not attend the hearing. Instead, he filed a "Motion for Inhibition" of the Hearing Officer. He argues that despite the certification attached to his Motion to Dismiss, the Hearing Officer ignored the same and deprived him of his constitutional right to substantive due process. Moreover, this case should have been dismissed due to the prosecution's waiver to file a Reply. As directed, the prosecution filed its "Comments" on December 12, 2000. On December 14, 2000, respondent's Motion for Inhibition was denied and the parties were directed to appear during the hearing set on December 21, 2000, with a warning that failure to appear thereon shall be construed as a waiver of their right to present evidence and thereafter the case shall be deemed submitted for resolution.

On December 21, 2000, respondent filed a "Complaint" against the Hearing Officer for (1) ignorance of the law and grave abuse of discretion in denying his Motion to Dismiss, and for (2) conduct prejudicial to the best interest of the service in denying his Motion for Inhibition. He also filed a "Motion for Reconsideration" of the December 14, 2000 resolution. Respondent attempted to walk out during the hearing, but he was warned that the same shall be construed as a waiver of his right to cross examine the prosecution's witness. Thus, he decided to stay. The prosecution offered the testimony of the private complainant who, among others, identified the prosecution's exhibits and was cross-examined by the respondent. Thereafter, the parties agreed to a continuation of the hearing on January 4, 2001.

On January 4, 2001, the prosecution offered the testimony of Anthony M. Soria, representative of Banco Filipino, Quirino-Taft Avenue Branch, who, among others, identified the prosecution's exhibits and was cross-examined by the respondent. Thereafter, the prosecution was directed to file its formal offer of evidence within three (3) days and the respondent to file his comments thereon within the same period. As agreed upon by the parties, the next hearing was scheduled on January 18, 2001 for the reception of respondent's evidence.

On January 10, 2001, the prosecution filed an "Ex-Parte Motion to Admit Formal Offer of Documentary Exhibits". On January 11, 2001, such motion was granted and respondent was directed

to file his comments on the formal offer of evidence within three (3) days from receipt thereof, with a warning that after receipt of his comments, or expiration of the three-day period, the formal offer of evidence shall be deemed submitted for resolution.

On January 12, 2001, respondent filed an “Urgent Motion to be Furnished Copy of Official Transcript of Stenographic Notes” to enable him to comply with the above three-day period.

On January 18, 2001, respondent’s motion was granted and he was directed to file his comments within five (5) days from receipt of the transcript, with a warning that upon receipt of his comments or expiration of the said period, the prosecution’s formal offer of evidence shall be deemed submitted for resolution. The parties agreed to set the hearing for the reception of respondent’s evidence on February 2, 2001.

On February 2, 2001, respondent received a copy of the transcript. He undertook to file his comments on or before February 9, 2001, which was non-extendible. The prosecution was given until February 14, 2001 to file its reply. The parties were warned that upon expiration of said periods, the prosecution’s formal offer of evidence shall be deemed submitted for resolution.

On February 9, 2001, instead of filing his comments, respondent filed a “Motion to Produce Original of Transcript of Stenographic Notes Taken on December 21, 2000 and January 4, 2001”. He avers that the transcript of notes were tampered, doctored, edited and were not the faithful reproduction of the proceedings.

On February 14, 2001, the prosecution filed its “Comments” praying that such motion be denied; that respondent be declared to have waived his right to file his comment on the Formal Offer of Documentary Exhibits; and such Formal Offer of Documentary Exhibits be admitted.

On March 30, 2001, respondent’s “Motion to Produce Original of Transcript of Stenographic Notes Taken on December 21, 2000 and January 4, 2001” was denied and he was deemed to have waived his right to file his comment on the Formal Offer of Documentary Exhibits.

On April 3, 2001, the prosecution’s exhibits were admitted and the parties were directed to appear on April 18, 2001 for the reception of respondent’s evidence. They were warned that failure to appear thereon shall be construed as a waiver of their right to present evidence, or to object thereto or cross-examine the witness, and thereafter the case shall be deemed submitted for resolution.

On April 18, 2001, respondent filed a “Reiterating Motion for Inhibition” and “Motion for Reconsideration and Inhibition” to the Secretary of Justice and Chief State Prosecutor, and left without attending the hearing despite due notice. Upon motion of the prosecution, respondent was deemed to have waived his right to present evidence. Hence, this case was submitted for resolution.

After a careful evaluation, the evidence on record shows that respondent is guilty of the offenses charged. RA 6713, reads:

“Sec. 7. *Prohibited Acts and Transactions.* – In addition to acts and omissions of public officials and employees now prescribed in the Constitution and existing laws, the following shall constitute prohibited acts and transactions of any public official and employees and are hereby declared to be unlawful:

xxx

(d) *Solicitation or acceptance of gifts.* – Public officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by or any transaction which may be affected by the functions of their office.”
(underscoring supplied)

Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292, on the other hand, provides:

“Sec. 22. Administrative offenses with its corresponding penalties are classified into grave, less grave, and light, depending on the gravity of its nature and effects of said acts on the government service.

The following are grave offenses with corresponding penalties: xxx

(j) Contracting loans of money or other property from persons with whom the office of the employee has business relations.

1st Offense – Dismissal

(k) Soliciting or accepting, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value in the course of his official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of his office. The propriety or impropriety of the foregoing shall be determined by its value, kinship or relationship between giver and receiver and the motivation. A thing of monetary value is one which is evidently or manifestly excessive by its very nature.

1st Offense – Dismissal.” (underscoring supplied)

From the foregoing, respondent’s act of issuing worthless checks in exchange for the private complainant’s cash, knowing the latter to be a party in a case previously assigned to him for preliminary investigation, runs counter to the moral parameter set forth by the Supreme Court that a public office is a public trust; that public officers and employees must serve with the highest degree of responsibility, integrity, loyalty and efficiency, and must be at all times remain accountable to the people (*Gacho v. Fuentes*, 291 SCRA 474; *Office of the Court Administrator v. Sumilang*, 271 SCRA 316). Equally repugnant is respondent’s failure and refusal to pay his obligation to the private complainant.

Respondent’s allegation that private complainant has no case pending before his office or the Office of the City Prosecutor of Manila for preliminary investigation, is inconsequential. What is primordial is that Criminal Cases No. 98-168731 and 313807 were investigated and filed by him before the Regional Trial Court and Metropolitan Trial Court, respectively, of Manila, and are being prosecuted by and/or under the control and supervision of the Office of the City Prosecutor of Manila, where respondent belongs. Thus, it was incumbent upon respondent to refrain from soliciting or contracting loans with, and worst, from issuing worthless checks to, litigants represented by his office.

Whether or not respondent received a notice of dishonor or letter of demand from the private complainant, is likewise inconsequential. Demand is not material since this case is administrative, and not criminal or civil, in nature. Neither is the alleged pendency of a petition for review relevant to the instant case, for what is proscribed by law is not merely the refusal to pay an obligation for lack of notice or demand, but, in the first place, the solicitation or contracting of a loan from a person whose case is being prosecuted by the office where respondent belongs.

The Code of Conduct and Ethical Standards for Public Officials and Employees (RA 6713) *inter alia* enunciates the State policy of promoting a high standard of ethics and utmost responsibility in the public service (*Alawi v. Alauya*, 268 SCRA 628). Thus, there is a need to maintain the faith and confidence of the people in the government and its agencies and instrumentalities (*Estreller v. Manatad*, 268 SCRA 608). The act complained of being a grave offense carries the extreme penalty of dismissal for the first offense (*Marasigan v. Buena*, 284 SCRA 1).

Respondent cannot be said to have been denied due process of law for he was given every opportunity to be heard and to defend his interest (*Lumigued v. Exevea*, 282 SCRA 125) after he elected a formal investigation. Obviously, the motion and/or pleadings he filed were sinister ploys to delay the proceedings in this case. His contention that the prosecution's waiver to file a Reply is an admission of his allegation in his Answer, is misplaced. The filing of a reply under the 1997 Rules of Civil Procedure is optional, since by a party's failure to do so, all new matters alleged in the antecedent pleading are deemed controverted (*Herranz and Garaiz v. Bardudo*, 12 Phil. 6; *Lu Chiu Piao v. Lim Tuaco*, 33 Phil. 92).

WHEREFORE, premises considered, and as recommended by the Department of Justice, Asst. City Prosecutor Romeo C. Sampaga is hereby dismissed from the government service, with forfeiture of all benefits accruing to him or which may have accrued in his favor, and disqualified from re-employment in the government service.

Done in the City of Manila, Philippines, this 25th day of November, 2002.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). [*Administrative Order Nos.: 1 - 110-A*]. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT OF THE PHILIPPINES
MALACANANG

ADMINISTRATIVE ORDER NO. 50
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON ATTY. ALUDIA P. GADIA,
REGISTER OF DEEDS, DAVAO CITY, FOR GRAVE MISCONDUCT, WITH FORFEITURE OF
ALL RETIREMENT PAY AND BENEFITS

This refers to the administrative complaint against Atty. Aludia P. Gadia, presently the Acting Registrar of Deeds, Mati, Davao Oriental, in her then capacity as Registrar of Deeds of Davao City, which the Land Registration Authority (LRA) formally pursued based on the following findings contained in the pertinent dispositive portion of its Report dated 18 July 2000:

“x x x Moreover, considering that it was established from the records that the Registry only received an amount of P12,023.00 as payment of registration fees x x x, an amount which is notably lower than the sum of money Atty. Gadia received from the representative of DSG and that she signed the titles of DSG without the required payment of capital gains tax, it is respectfully recommended that she be charged administratively for Grave Misconduct. x x x”

The antecedent facts are as follows:

Sometime in March 1999, Atty. Jesus Dureza, representing DSG Sons Group, Inc. (DSG, for brevity), presented for registration before the Registry of Deeds of Davao City, copies of the Conditional Deed of Sale, Special Power of Attorney, and Affidavit of Waiver of Rights and Relinquishment of Interest, all executed in favor of DSG by spouses Antonio and Elsie Diaz, involving properties located in Davao City and covered by Transfer Certificates of Title (TCT) Nos. T-30740 and T-30741 in the name of the Diaz spouses. On 15 March 1999 Atty. Dureza entrusted to respondent Gadia, then Registrar of Deeds for Davao City, the amount of P400,000.00 in payment for the expenses incident to the registration of said properties, for which the latter issued a handwritten receipt. Thereafter, respondent cancelled the foregoing titles and issued in lieu thereof TCT Nos. T-309058 and T-309059 in the name of DSG.

On 10 November 1999, Atty. Ellen D. Veza, counsel for DSG, wrote the LRA inquiring whether or not the documents earlier presented before the Registry of Deeds of Davao City were sufficient to cause the registration of the transfer of the properties. In its reply dated 17 November 1999, the LRA answered in the affirmative and opined that the new titles were regularly issued on the assumption that all the registration fees and taxes have been paid. Antonio Diaz questioned the opinion, stating that the necessary capital gains tax on the transfer of the subject properties had not been paid by DSG. He then requested the immediate investigation of the irregularities committed by respondent as well as the alleged graft and corruption in the Registry of Deeds of Davao City.

The matter of non-payment of the required capital gains tax was indorsed for comment to the Office of the Registrar of Deeds in Davao City. In her 2nd Indorsement of 6 January 2000, Acting Registrar of Deeds Atty. Florenda F.T. Patriarca informed the LRA that its office had no record of payment of the capital gains tax.

In the meantime, Mr. Diaz filed a complaint before the Office of the Ombudsman for Mindanao against respondent, Atty. Dureza and Francisco Gaisano for alleged violation of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act. The complaint was dismissed in a Resolution dated 26 July 2000.

Upon the instructions of LRA Administrator Alfredo R. Enriquez, the Inspection and Investigation Division (IID) conducted an investigation on the complaint of Mr. Diaz. The result of the investigation, as contained in the IID Report dated 18 July 2000, shows the following significant findings: *first*, that four (4) days before the issuance of the DSG titles, respondent pulled out the original of TCT Nos. T-30740 and T-30741 from the Vault Section of the Registry; *second*, despite office procedure to record in the Registry's Office Record Book all documents forwarded by the Cashier for examination and cancellation of title before endorsing the same to a Land Registration Examiner for examination, the documents/transaction between DSG and Antonio Diaz involving the subject titles did not pass through the said process and personnel; *third*, respondent signed the titles of DSG without the required payment of capital gains tax; and *fourth*, the Registry received the amount of only P12,023.00 as payment for registration fees, which is notably lower than the sum of money amounting to P400,000.00 received by respondent from Atty. Dureza.

On the basis of the above Report, respondent was administratively charged with grave misconduct and directed to submit her answer.

In her letter-answer dated 16 September 2000, respondent admitted that Atty. Dureza left with her the amount of P400,000.00 for the payment of transfer and registration fees and for other expenses, but not for capital gain tax; that it was the first time she agreed to such an arrangement and that she merely accommodated Atty. Dureza's request in filing the documents with the Registry because the latter is a fellow lawyer who, at that time, was in a hurry to leave for the Netherlands to represent the country in some negotiations; that she has settled the matter with Atty. Dureza who did not complain about it; that Mr. Diaz has no legal personality to file the complaint against her; that she could not be made responsible for the custody of Mr. Diaz's titles since she did not take them out of the office and that to make her liable for their loss was without any basis at all; and that the complaint of Mr. Diaz that the capital gains tax and documentary stamp tax were not paid was out of order since what was due was just the withholding tax, which had already been paid.

In its Resolution dated 24 September 2001, the LRA limited its discussion on the results of its investigation on respondent only since it has no jurisdiction over private individuals who were implicated in the commission of the alleged irregularities. More specifically, the LRA's findings zeroed in on the issue of respondent's receipt of the amount of P400,000.00 from Atty. Dureza.

Circular No. 95-09 dated 8 August 1995 prohibits all Registrars of Deeds from performing "other related works" in the registration of deeds and documents, thus:

"TO	:	All Registrars xxx of Deeds xxx
Subject	:	Prohibition in the Performance of 'other related works' in the registration of deeds and documents and other matters relative to one's functions.
		xxx
		Such services may consist, but not limited to the so-called 'package deal' where the interested party entrusts to the official or employee the payment of the capital gains, documentary stamps xxx and other fees, xxx."

Clearly, the above prohibition applies to respondent who is prohibited from receiving any money for whatever purpose related to the performance of her functions. Her act, in the guise of lending assistance to a fellow lawyer, was the very act that the said circular seeks to deter and punish in order to safeguard the integrity of the Registry from public perception of corruption.

Moreover, in its findings, the LRA ruled that respondent received the aforesaid amount in connection with a transaction over which she had to officially act upon. The LRA deems that no other reasonable inference can be had on the issue of the P400,000.00 except that it was for the benefit of the respondent, considering further that the records are bereft of information that the difference between the amount received and what was actually paid has been returned by the respondent. It was observed that the variance between the amount received by respondent P400,000.00 and the sum of P12,023.00, which was actually received by the Registry, *“has no clear purpose, at least as far as the registration fees, transfer fees and other expenses are concerned because it is notably lower than the amount required for the latter. This ‘other expenses’ could be for that amount xxx which should approximate to P387,977.00. In the ordinary course of transactions similar to the instant case, however, there is nothing that will represent this amount”*. In view of the respondent’s admission that the payment of taxes was not part of and beyond the contemplation of the parties, the LRA deduced that this amount was probably bribe money or the so-called “facilitation fee”, by reason of which *“respondent pulled out on 18 March 1999 the original TCT Nos. T-30740 and T-30741 from the Vault Section of the Registry.”* According to the LRA, although the reason for such action cannot be conclusively ascertained, it was clear that *“respondent indeed pulled them out and circumstances tend to suggest that it was apparently for no good reason except to facilitate its cancellation preparatory to the transfer of the ownership of the property to DSG.”* Additionally, in connection with the original owner’s copy of the subject titles, which were missing in the files of the Registry *“no other logical presumption can be had on the matter except that it strongly connects with the finding that respondent pulled the original registry copies of the titles.”*

Accordingly, the LRA found respondent administratively liable for grave misconduct and recommended her dismissal from the service.

The Secretary of Justice agrees with the above findings and recommendation of the LRA.

After due consideration of the evidence on record, this Office finds that respondent’s actuations have indeed cast serious doubts not only the integrity of the Registry, in general, but also on the regularity in the performance of the functions of her office, in particular. Respondent’s act was an outright violation of Circular No. 95-09 dated 8 August 1995. There appears to be no reasonable justification for her to receive the money entrusted by Atty. Dureza under the circumstances in which it was given to her, especially in the light of an official instruction from the LRA Administrator directing all Registrars of Deeds to refrain from rendering certain services that undoubtedly open opportunities or give rise to graft and corruption. Respondent’s explanation for deviating from the standard policies and procedures implemented in the recording, examination, and registration of documents in the Registry is not persuasive and does not minimize the adverse implications of such actions as far as public perception is concerned. Her failure to account for the balance between the actual payment made to the Registry in the amount of P12,023.00 and the sum of P400,000.00 that she received from Atty. Dureza has further aggravated her infraction.

From the foregoing, substantial evidence obtains to establish the commission by respondent of grave misconduct in the performance of her official functions deserving no less than the maximum sanction. The penalty for grave misconduct, even if committed for the first time, is dismissal from the service (*paragraph 3, Section 52 (A), Rule IV of Resolution No. 991936 dated 31 August 1999 of the Civil Service Commission*).

The dismissal of erring government employee for grave misconduct and conduct prejudicial to the best interest of the service is justified in the face of the strong evidence against her (*Ponferrada v. Relator*, 181 SCRA 698 [1990]).

WHEREFORE, premises considered, and as recommended by the Department of Justice, respondent Atty. Aludia P. Gadia is hereby found administratively liable for Grave Misconduct and meted the penalty of DISMISSAL from the service with forfeiture of all retirement pay and benefits.

Done in the City of Manila, Philippines, this 25th day of November, 2002.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) ALBERTO G. ROMULO

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). [*Administrative Order Nos.: 1 - 110-A*]. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT OF THE PHILIPPINES
MALACAÑANG

ADMINISTRATIVE ORDER NO. 51

**IMPOSING THE PENALTY OF DISMISSAL FROM THE GOVERNMENT SERVICE ON
ASSISTANT CITY PROSECUTOR CONSTANCIO C. VELASCO OF THE OFFICE OF THE CITY
PROSECUTOR OF MANILA**

This refers to the administrative case filed by the Department of Justice (DOJ) against Assistant City Prosecutor (ACP) Constancio C. Velasco, Office of the City Prosecutor, Manila, docketed herein as O.P. Case No. 02-J-482 (Administrative Case No. 01-0017-FS in the office *a quo*), for grave misconduct.

This case arose from a complaint filed by Ma. Lourdes S. Pe Benito, private complainant, before the National Bureau of Investigation – Anti Organized Crime Division (NBI-AOCD) against respondent Velasco for allegedly demanding from her Five Thousand Pesos (P5,000) in consideration of the filing of an Information in court for oral defamation against spouses Eduardo and Clarissa Magbitang relative to a criminal complaint pending preliminary investigation before the office of respondent Velasco.

Records show that private complainant earlier filed before the Office of the City Prosecutor of Manila a criminal complaint for oral defamation against the spouses Eduardo and Clarissa Magbitang. It was assigned to respondent ACP Velasco for preliminary investigation. Sometime in September 2001, complainant went to the office of respondent at the Manila City Hall to file her reply to the “Motion to Dismiss” filed by the spouses Magbitang. During her conversation with respondent, the latter wrote in a piece of paper the amount in figure “P5,000” and showed it to her. Thinking that it was the amount of fine to be imposed against the spouses Magbitang, complainant protested and insisted for the imposition of the penalty of imprisonment. However, respondent explained that the P5,000.00 is the amount that she was supposed to give him in consideration for the filing of a criminal Information in court for oral defamation against the spouses Magbitang. Complainant agreed to give the respondent the amount of P5,000.00 on November 8, 2001, the day when she was to receive her bonus.

On November 8, 2001, private complainant went to the NBI-AOCD and filed her complaint against respondent for demanding the amount of P5,000.00 in consideration for the filing of an Information in court against the spouses Magbitang. Acting on the complaint, the NBI immediately planned an entrapment operation. The marked money was prepared and the “pay-off” place was arranged at Chowking Restaurant, Quiapo, Manila. Then, at around 12:30 p.m. of the same date, a team of agents from the NBI-AOCD, headed by Senior Agent Primitivo Najera, were dispatched and, together with the private complainant, they proceeded to the “pay-off” place. However, the said restaurant was under renovation. As a consequence, the “pay-off” was transferred to nearby Ma Mon Luk Restaurant, also in Quiapo, Manila. Thereat, private complainant handed to respondent the envelope containing the marked money. Respondent immediately counted the marked bills and when he was about to leave the place, the NBI-AOCD operatives pounced on him and placed him under arrest.

Thereafter, the case against Velasco for the offense of Direct Bribery (Art. 210 of the Revised Penal Code) and/or Violation of Sec. 3 (b) of R.A. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, was elevated to the DOJ for inquest proceedings.

On December 18, 2001, DOJ filed a formal administrative charge against respondent for grave misconduct, docketed as NPS Administrative Case No. 01-0017-FS.

During the formal administrative investigation, private complainant reaffirmed her complaint against respondent.

On March 11, 2002, respondent submitted his sworn answer/affidavit. When complainant manifested that she was no longer filing any reply, respondent moved that a formal administrative hearing be held. Thus, the case was set for initial hearing of the prosecution's evidence on March 18, 2002.

On March 18, 2002, upon agreement of the parties, in lieu of a formal administrative hearing, the case was deemed submitted for resolution on the basis of the pleading and evidence thus submitted.

The Secretary of Justice found respondent ACOP Velasco guilty of the offense charged and recommended his dismissal from the government service.

It is not disputed that respondent was the investigating prosecutor assigned to conduct the preliminary investigation of the criminal complaint for oral defamation filed by private complainant Pe Benito against the spouses Magbitang. Similarly undisputed is the fact that NBI operatives apprehended respondent in an entrapment operation while receiving marked money from private complainant. Under the circumstances, respondent had the burden of proof to satisfactorily show that the amount he received was not for the purpose as alleged by said complainant. Unfortunately, respondent failed to do so. His explanation that the amount of P5,000.00 he received from complainant represented payment for the cell phone unit that the latter had purchased from him is too trite to be given credence.

Verily, the act of respondent in demanding and receiving money from private complainant in the course of his official duty constitutes bribery and corrupt practices as defined and penalized under the Revised Penal Code and the Anti-Graft and Corrupt Practices Act, respectively. Corollarily, the same act constitutes "grave offense", under Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292, which provides:

"Sec. 22 Administrative Offense with its corresponding penalties are classified with grave, less grave grave and light, depending on the gravity of its nature and effects of said acts on the government service.

The following are grave offense with corresponding penalties: xxx

(i) Receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift and other valuable thing is given by any person in the hope of expectation or receiving a favor or better treatment that accounted to other persons or committing acts punishable under the anti-graft laws.

1st Offense-Dismissal"

The Code of Conduct and Ethical Standards for Public Officials and Employees (R.A. 6713) *inter alia* enunciates the state policy of promoting a high standard of ethics and utmost responsibility in the public service (*Alawi v. Alauya*, 268 SCRA 628). Thus, there is a need to maintain the faith and confidence of the people in the government and its agencies and instrumentalities (*Estreller v. Manatad*, 268 SCRA 608). The act complained of being a grave offense carries with it the extreme penalty of dismissal from the government service for the first offense (*Marasigan v. Buena* 284 SCRA 1).

WHEREFORE, premises considered and as recommended by the Department of Justice, Assistant City Prosecutor Constancio C. Velasco of the City Prosecution Office of Manila, is hereby ordered DISMISSED from the government service with forfeiture of leave credits and retirement benefits and disqualification for re-employment in the government service.

Done in the City of Manila, Philippines, this 25th day of November, 2002.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) ALBERTO G. ROMULO

Executive Secretary

cc: Asst. City Prosecutor Constancio C. Velasco
Office of the City Prosecutor
Manila

Ma. Lourdes S. Pe Benito
No. 62 Maria Cristina St.
Sampaloc, Manila

Department of Justice
Manila

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). *[Administrative Order Nos.: 1 - 110-A]*. Manila Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 52
IMPOSING THE PENALTY OF DISMISSAL FROM SERVICE ON RESPONDENT OSCAR B.
CORPUZ, 1st ASSISTANT CITY PROSECUTOR OF SAN FERNANDO, LA UNION.

Quoted hereunder are the findings of facts and law by the Presidential Anti-Graft Commission (PAGC) embodied in its Resolution dated November 30, 2002:

“THE CASE

On September 6, 2002, the Commission received an indorsement letter from the Department of Justice, dated 05 September 2002, signed by the Hon. Jovencito R. Zunio, Chief State Prosecutor, indorsing and transmitting the entire records of Department of Justice Adm. Case No. 02-0017-FS entitled, “Jacky Rowena Tiu, et al., vs. Asst. City Prosecutor Oscar B. Corpuz, City Prosecution Office of San Fernando City, La Union”.

By virtue of such indorsement, the Commission commenced the administrative investigation against 1st Assistant City Prosecutor Oscar B. Corpus.

The respondent is allegedly guilty of gross neglect of duty, and/or inefficiency and incompetence in the performance of official duties when he erroneously charged the accused Zhang Du a.k.a. Wilson Zhang and Henry Ong only as accessories and not as principals to the crime of kidnapping for ransom despite the fact that the evidence against the two accused were sufficient to establish probable cause that they were co-conspirators in the felony allegedly committed.

The complaint arose from the issuance by the respondent of a resolution dated November 19, 2001, wherein he charged six (6) accused as principals, in the kidnapping of Jacky Rowena Tiu, namely:

1. XU YOU KWANG alias TONY CO; JOHNNY CO
2. SHI JIAN HUI alias JACKY SY
3. WU CHANG Y LIM
4. LIM JIANG FENG alias JASON LIM
5. SHI CHUNG QI alias JACKY OCAMPO Y SY
6. ZHANG XI WANG alias MICHAEL ZHANG;
and two (2) as accessories, namely:

1. ZHANG DU alias WILSON ZHANG
2. HENRY ONG.

The Resolution was thereafter made the basis of the Information which was filed with the trial court. As a result of these alleged erroneous findings by the respondent, Zhang Du was able to post bail and was released from detention. Henry Ong on the other hand was able to evade prosecution and is still at large. This event prompted the victim, Jacky Rowena Tiu to file an administrative complaint with the DOJ against the herein respondent prosecutor.

The respondent was afforded due process in the proceedings conducted before the DOJ and was given the opportunity to defend himself. On August 5, 2002, a Formal Charge was issued by the DOJ charging the respondent with gross neglect of duty, and/or inefficiency and incompetence in the performance of official duties.

In the proceedings before the Commission, the respondent was required to submit his Answer and a preliminary conference was scheduled on October 14, 2002.¹ A continuation of the said conference was held last October 28, 2002 wherein the parties were required to submit their respective position papers.²

THE CHARGE

Violation of Section 3 (e), Republic Act 3019, as amended, in relation to Sec. 7 (a)(ii) and Sec. 7 (b)(v) of Department Circular No. 84, s. 2000, in relation to Sec. 27 (i) of Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292.

THE ISSUE

Whether Or Not The Respondent Is Liable To The Charge Filed Against Him.

THE COMMISSION'S RULING

The defense of the respondent is principally based on the discretionary power he exercised as prosecutor. Every prosecutor has the prerogative to classify the offense committed, classify the participation of the accused in the crime perpetrated, the determination of the presence of a prima facie case and the discretion of whether or not to institute criminal action in court.

However, this exercise of discretion is not absolute. It must be exercised on the basis of the attendant facts and circumstances and on the evidence presented and must be in accordance with law. In the exercise of such discretion, the prosecutor must see to it that no substantial rights are affected or prejudiced. It presupposes the exercise thereof in accordance with law and guided by the applicable legal principles. In other words, discretion must be exercised regularly, legally and within the confines of procedural due process, i.e., after evaluation of the evidence. Any order issued in the absence thereof is not a product of sound discretion but of whim and caprice and outright arbitrariness amounting to grave abuse of discretion.

¹ Records pp. 35

² Records pp. 77

Grave abuse of discretion assumes that the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility, and it must be so patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform the duty enjoined or to act at all in contemplation of law.³

Respondent is clearly guilty of grave abuse of discretion and ignorance of the law when he classified the participation of Zhang Du and Henry Ong as accessory to the crime of kidnapping for ransom when it clearly shows that no evidence to this effect has been submitted or borne by the record except their self-serving testimonies.

Article 19 of the Revised Penal Code (RPC) classified the following as accessories:

‘those who, having knowledge of the commission of the crime, and without having participated therein, either as principals or accomplices, take part subsequent to its commission in any of the following manners:

1. By profiting themselves or assisting the offender to profit by the effects of the crime.
2. By concealing or destroying the body of the crime, or the effects or instruments thereof, in order to prevent its discovery.
3. By harboring, concealing, or assisting in the escape of the principals of the crime, provided the accessory acts with abuse of his public functions or whenever the author of the crime is guilty of treason, parricide, murder, or an attempt to take the life of the Chief Executive, or is known to be habitually guilty of some other crime.’

The acts of Henry Ong do not fall in any of the above-mentioned categories. No evidence or circumstances would show that he profited himself from the effects of the crime, neither did he assist the other accused to profit from the effects thereof. He did not conceal nor destroy the body of the crime or the effects or instruments thereof, and neither did he harbor, conceal or assist in the escape of the principals of the crime.

The respondent tried to reason out in his resolution that he charged Henry Ong as an accessory because there is no showing that the latter participated in the criminal design, nor did he cooperate in the commission of the felony. He stated further that there are indications that Ong had knowledge of the commission of the crime and that he lent his car and assisted the six respondents to profit by the effects of the crime and even helped them in their escape.

This is an erroneous application of the law and a complete misappreciation of the facts since an accessory participates after the fact of the commission of the felony. In this case, Ong’s car was used by his cohorts in kidnapping Jacky Rowena Tiu. Were it not for Ong’s car, the felony could not have been committed. Ong cooperated in the commission of the offense by another act i.e., by furnishing his other co-conspirators with the Mitsubishi Adventure without which the crime of kidnapping would not have been accomplished. Henry Ong’s participation

³ Alafriz vs. Nable, 72 Phil. 278

therefore is that of a principal by indispensable cooperation as contemplated in Article 17 of the Revised Penal Code and not as an accessory.

The fact that Ong has evaded prosecution and is still at large up to the present should have been considered also by the respondent since this shows that Ong resorted to flight. Flight evidences culpability and a guilty conscience, and it strongly indicates a guilty mind or betrays the existence of a guilty conscience.⁴

There is more evidence on hand which would show that the six (6) individuals charged as principals are co-conspirators with Ong and Zhang Du compared to the baseless assumptions and weak evidence considered by the respondent in classifying them as accessories to the crime of kidnapping. It is impossible for an experienced prosecutor like the respondent herein to have overlooked these circumstances or made this patent mistake since these things are basic in criminal law.

With respect to Zhang Du, we agree with the complaint DOJ that the following circumstance should have been considered by the respondent in the classifying his criminal liability:

1. All of the accused are almost of the same age, jobless and visiting native Chinese from Fookien, China.
2. All of the same stay in one and the same place and had common address in Tuesday St., Saint Joseph Subdivision, Bacoar, Cavite.
3. Zhang Du alleged that he is a businessman but no proof whatsoever was presented on what specific business he is engage in.
4. Zhang Du was positively identified by the kidnap victim as one of the kidnappers.
5. The evasion from prosecution of Henry Ong and his flight.

The respondent relied heavily on the denial and alibi of Zhang Du that he just visits Zhang Xi Wang to watch television there but the fact is that the latter lives in Fortune Village Valenzuela City and not in the safehouse in Bacoar, Cavite where both of them were arrested. If Zhang Xi Wang was charged by the respondent as principal for being a co-conspirator, we find no reason why Zhang Du should not be charged the same since they were both arrested in the same premises and at the same time.

Zhang Du's bare denial and alibi cannot be given weight as against the categorical and positive identification by Jacky Rowena Tiu. The Supreme Court has ruled, time and again, that alibi is the weakest of all defenses and cannot stand against strong and positive identification.⁵ As held in the case of *People of the Philippines vs. Robert Dinglasan y Mangino @ Obet, Reynaldo Tapia y Sorao*.⁶

“Positive identification, where categorical and consistent and without any showing of ill motive on the part of the eyewitness testifying on the matter, prevails over alibi and denial which if not substantiated by

⁴ *People v. Lopez, Jr.*, 245 SCRA 95 (1995)

⁵ *People of the Philippines v. Antonio Violin, Remegio Yazar, Cesar Allegro et al.*, G.R. Nos. 114003-06 January 14, 1997

⁶ G.R. No. 101312, January 28, 1997

clear and convincing evidence are negative and self-serving evidence undeserving of weight in law.”

Further, it is axiomatic that positive testimony prevails over negative testimony.⁷ The victim positively identified Zhang Du as one of the kidnappers. This statement deserves greater weight than the self-serving denial of the latter.

The statements of the other accused absolving Zhang Du should have also been discarded by the respondent because those persons maintain their innocence and is in no position to declare that Zhang Du did not participate in the felony. This should have invited the attention of the respondent because by making such declaration, the other accused impliedly admitted their liability, i.e., they were the ones who committed the crime and Zhang Du is not a participant thereto. We agree with the complaint that by giving credence to the statements of the accused, the respondent raised doubts on the positive identification made by the victim herself and arrogated unto himself the duty which properly pertains to the judge with respect to ascertaining the credibility of the testimony of the accused and the witnesses.

Based on the foregoing circumstances and evidence, no other implication can be derived therefrom except the fact that there is conspiracy among the eight (8) accused. Respondent Corpuz failed to appreciate this. He clearly manifested that he is incompetent and inefficient in the performance of his official duties and in effect caused undue injury to the victim/complainant. He intentionally overlooked certain facts and circumstances of weight and influence which are material to the case including the circumstances which show that the accused acted in concert and conspired with each other to perpetrate the kidnapping of Jack Rowena Tiu.

Respondent is liable for violation of Sec. 3 (e) of R.A. 3019. In *Ponce de Leon v. Sandiganbayan*,⁸ the Supreme Court enumerated the elements of this offence as follows:

- “(1) That the accused are public officers or private persons charged in conspiracy with them;
- (2) That said public officers or private persons commit the prohibited acts during the performance of their official duties or in relation to their public positions;
- (3) That they cause undue injury to any party, whether the Government or a private party;
- (4) That such injury is caused by giving unwarranted benefits, advantage or preference to such parties;
- (5) That the public officers have acted with manifest partiality, evident bad faith or gross inexcusable negligence.”

The herein respondent is a public officer within the meaning of the law. He caused undue injury to the government as well as to the private complainant, who was a victim of the felony, when he erroneously classified Ong and Du as mere accessories instead of principals. Respondent gave unwarranted benefits to the accused in this case through gross negligence.

⁷ *People Of The Philippines v. Gerry Sarabia*, G.R. No. 124076, January 21, 1997

⁸ 186 SCRA 745 (1990)

In order that one may be held administratively (criminally) liable under the above-cited section, the act of the respondent (accused) which caused undue injury must have been done with evident bad faith or with gross inexcusable negligence.⁹ Gross negligence has been defined as negligence characterized by the want of even slight care, acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally with a conscious indifference to consequences in so far as other person may be affected.¹⁰ It is the omission of that care which even inattentive and thoughtless men never fail to take on their own property.¹¹

Inefficiency implies negligence, incompetence, ignorance and carelessness. A person would be inexcusably negligent if he failed to observe in the performance of his duties that diligence, prudence and circumspection which the law requires in the rendition of public service.¹² This clearly shows that respondent herein is remiss in the performance of his official duties and failed to exercise due diligence in the exercise thereof, and completely disregarded or failed to consider the evidence and circumstances attendant to the case as well as his misappreciation of the provisions of law which he administers and his relegation unto himself of the power which only the trial court can exercise.

It is respondent's duty to see to it that all the parties are accorded due process of law and not only the accused. The victims whose rights have been violated have to be protected also. By reason of the office he holds, the respondent is expected to be more circumspect and exhaustive in the investigation of the cases filed before him. He should see to it that justice is properly administered and that no party is prejudiced thereby.

THE PENALTY

There is substantial evidence on record which shows that respondent Oscar B. Corpuz is liable for violation of Section 3 (e), Republic Act 3019, as amended, in relation to Sec. 7 (a)(ii) and Sec. 7 (b)(v) of Department Circular No. 84, s. 2000, in relation to Sec. 27 (i) of Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292, for Gross Neglect of Duty, Inefficiency and Incompetence in the Performance of Official Duties.

WHEREFORE, PREMISES CONSIDERED, the Commission respectfully recommends to Her Excellency, President Gloria Macapagal-Arroyo, that respondent OSCAR B. CORPUZ, 1st Assistant City Prosecutor of San Fernando, La Union be DISMISSED FROM SERVICE.

SO RESOLVED.”

After a careful review of the records of the case, this Office affirms *in toto* the findings of the Commission and holding the respondent GUILTY AS CHARGED for VIOLATION

⁹ *Alejandro v. People*, 170 SCRA 400, 405, 407 [1989]

¹⁰ *Ballentine's Law Dictionary*, 3rd Edition, p. 537

¹¹ *Bouvier's Law Dictionary*, Vol. I, 3rd Revision, p. 1383

¹² *Nenita De Vera Suroza v. Judge Reynaldo P. Honrado and Evangelista S. Yuipco* (A.M. No. 2026. December 19, 1981) Citing *In Re Climaco*, Adm. Case No. 134-J, Jan. 21, 1974, 35 SCRA 107, 119

OF SECTION 3 (E) OF R.A. 3019 AS AMENDED, IN RELATION TO SEC. 7 (A)(II) AND SEC. 7 (B)(V) OF DEPARTMENT CIRCULAR NO. 84, S. 2000, IN RELATION TO SEC. 27 (I) OF RULE XIV OF THE OMNIBUS RULES IMPLEMENTING BOOK V OF EXECUTIVE ORDER NO. 292, FOR GROSS NEGLIGENCE OF DUTY, INEFFICIENCY AND INCOMPETENCE IN THE PERFORMANCE OF OFFICIAL DUTIES.

WHEREFORE, in view of the foregoing considerations, and as recommended by the Presidential Anti-Graft Commission (PAGC), the penalty of DISMISSAL FROM SERVICE, is HEREBY IMPOSED on respondent OSCAR B. CORPUZ, 1st ASSISTANT CITY PROSECUTOR OF SAN FERNANDO, LA UNION.

SO ORDERED.

Done in the City of Manila, this 28th day of November, in the year of Our Lord, year two thousand two.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) ALBERTO G. ROMULO

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2002). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 53
IMPOSING THE PENALTY OF PERPETUAL DISQUALIFICATION FROM RE-EMPLOYMENT
IN THE GOVERNMENT SERVICE ON RESPONDENTS ERNEST F. O. VILLAREAL,
BENJAMIN V. CARIÑO, JOEMARI D. GEROCHI, SULFICIO O. TAGUD, JR., MARTIN S.
SANCIEGO, JR., RODOLFO T. TUAZON, and ANGELITO M. VILLANUEVA

Quoted hereunder are the findings of facts and law by the Presidential Anti-Graft Commission (PAGC) embodied in its Resolution dated 28 November 2002:

“THE CASE

This resolves the case against the members of the Board of Directors and some employees of the Public Estates Authority pertaining to the alleged irregularities surrounding the construction of the President Diosdado Macapagal Boulevard (PDMB).

On 25 September 2002, Chief Presidential Legal Counsel Avelino “Nonong” J. Cruz, Jr. referred¹ to the Presidential Anti-Graft Commission the complaints against Public Estates Authority (PEA) and JD Legaspi Construction relating to the Central Boulevard Project, popularly known as the President Diosdado Macapagal Boulevard.

The President Diosdado Macapagal Boulevard (PDMB) is a 5.123-kilometer, 8-lane road starting from Buendia to Pacific Avenue, with 3 bridges. Three contractors, namely, Shoemart Incorporated (SM), R-I Consortium, and JD Legaspi Construction (JDLC), developed the PDMB. Each contractor was assigned a portion of the road and a bridge to construct. The approximate total cost of the PDMB is ONE BILLION ONE HUNDRED THIRTY-FOUR MILLION SIX HUNDRED SIX THOUSAND FOUR HUNDRED ONE PESOS AND SEVENTY-SEVEN CENTAVOS (P1,134,606,401.77).

The 73.80% of the total cost is the total contract price amount for the JDLC portion of the PDMB, a 2.229-kilometer road and 42-meter inland bridge, in the amount of P837,317,343.77. The actual payment made to JDLC as of 31 August 2002, is P816,006,251.93.

The JDLC still has a collectible of P21,311,091.84 due it from the PEA. Of the total project cost of P1,134,606,401.77, 14.52% of the total cost in the amount of P164,798,866.00 was paid to R-I Consortium for the 1.186-kilometer road and 55-meter bridge, and 11.68% of the total cost in the amount P132,490,192.00 was paid to SM Inc. for the 1.426-kilometer road and 100-meter bridge, all components of the PDMB.

For the completion of the PDMB, the PEA entered into a Joint Venture Agreement with SM² dated 9 August 1994; a Memorandum of Agreement³ with R-I Consortium with Implementing Agreement No. 5 dated 21 December 2001, and a Construction Agreement⁴ with JDLC dated 10 April 2000. The PDMB was inaugurated on 5 April 2002 and was opened to the public in July 2002.

Below is the sequence of events in the implementation of the President Diosdado Macapagal Boulevard (PDMB) Project:

On 24 September 1998, pursuant to Administrative Order No. 224⁵ ordering the PEA to implement plans, programs and the projects in the Boulevard 2000, the PEA Board issued Resolution No. 1895, Series of 1998, ordering the construction of the Central Boulevard/PDMB and adopting the proposed action plan of the PEA Management to borrow money from various financial institution in an estimated amount of P1 Billion to fund the construction of the Central Boulevard/PDMB with an estimated project cost of P731,443,700.00⁶.

The members of the Old PEA Board of Directors⁷ then were:

	NAME	POSITION	TERM
1.	Frisco F. San Juan	Chairman	3 July 1998 to 30 April '01
2.	Carlos P. Doble	General Manager	3 July 1998 to 30 June '01
3.	Carmelita De Leon-Chan	Board Member	3 July 1998 to 30 June '01
4.	Daniel T. Dayan	Board Member	3 July 1998 to 30 June '01
5.	Salvador P. Malbarosa	Board Member	3 July 1998 to 30 June '01
6.	Leo V. Padilla	Board Member	3 July 1998 to 30 June '01
7.	Elpidio G. Damaso	Board Member	3 July 1998 to 29 Aug. '01

On 22 April 1999, the PEA requested the Office of the President for authority to bid and award contract packages thru Simplified Bidding. On the same date, GM Carlos P. Doble of PEA issued Office Order No. 070⁸ creating the Ad Hoc Committee tasked to handle the bid and award of the Central Boulevard Project and the Ombudsman Building.

On 2 July 1999, the Office of the President approved⁹ the request of the PEA to bid and award contract packages through Simplified Bidding.

The simplified bidding was conducted by the Ad Hoc Committee from 8 July 1999 to 23 September 1999 based on the list of ten contractors provided by the Department of Public Works and Highways (DPWH). The following were the five prequalified bidders:

Bidders of the Proposed Central Boulevard Road Project¹⁰

(Approved Agency Estimate: P549,713,194.00)

	BIDDER	BID PRICE
1.	JD Legaspi Construction	P584,365,885.05
2.	D.L. Cervantes Construction	P631,588,119.00
3.	Tokwing Construction	P642,404,794.19
4.	W. Red Construction and Development Corporation	P652,999,429.18
5.	Egapol Construction	P656,373,738.03

On 3 November 1999, the PEA Board through Resolution No. 2032¹¹, approved the award of the contract to JDLC and the appropriation of the total contract amount of P584,365,885.05 chargeable against the proceeds of the P1 billion loan from Land Bank of the Philippines (LBP)/All Asia Capital. The Notice of Award to JDLC was subsequently issued on 26 November 1999.

On 15 December 1999, the PEA Board through Resolution No. 2057¹², approved the Construction Agreement executed between PEA and JDLC. The same was approved by the Office of the President¹³ on 29 January 2000 with the condition that any price adjustment or variation orders should first be approved by the Office of the President before the changes could be effected.

On 10 April 2000, the Construction Agreement was signed by the PEA and JDLC; and the Notice to Proceed¹⁴ subsequently issued to JDLC.

On 5 July 2000, the PEA Board through Resolution No. 3017¹⁵ approved the Variation Order No. 1 (Additional Works) in favor of JDLC in the amount not exceeding P117,454,756.71, for the detailed design and construction of the Proposed Seaside Drive Extension and the proposed bridge connecting CBP II and CBP I B & C.

On 29 January 2001, the PEA Board through Resolution No. 3089¹⁶, confirmed the approved Variation Order No. 1 involving the realignment of items of work with no additional cost and additional time to the original Construction Agreement to suit actual field conditions. The previously approved Variation Order No. 1 was changed to realignment of additional works at no cost to PEA.

On 19 March 2001, Ernest F. O. Villareal was appointed as Chairman of the PEA Board of Directors¹⁷.

On 26 April 2001, the PEA Board through Resolution No. 3099, confirmed the time extension of 37 days granted to JDLC. On the same date, Resolution No. 3102¹⁸ was issued approving the updated cost of Variation Order No. 2, previously designated as Variation Order No. 1, in the total amount of P126,440,810.20. The appropriation of additional funds in the amount of P8,986,053.49 was charged against the balance of the P1 Billion loan proceeds from LBP.

The following are the members of the new PEA Board of Directors¹⁹:

NAME	POSITION	APPOINTMENT
Ernest F. O. Villareal	Chairman	1 March 2001
Benjamin V. Cariño	General Manager	1 July 2001
Joemari D. Gerochi	Board Member	1 July 2001
Sulficio O. Tagud, Jr.	Board Member	1 July 2001
Angelito M. Villanueva	Board Member	1 July 2001
Salvador D. Sarabia, Jr.	Board Member	1 July 2001 to 18 March '02
Martin S. Sanciego, Jr.	Board Member	29 August 2001 to Present
Rodolfo T. Tuazon	Board Member	18 March 2002

On 5 December 2001, the PEA Board deferred confirmation of the Board Resolution No. 3153²⁰ series of 2001, since Dir. Sulficio O. Tagud, Jr. questioned the Board's authority to approve the contract price adjustment in favor of JDLC, considering that the amount involved was P42,418,493.64²¹. DGM Manuel Beriña informed the Board that the said contract price adjustment was allowed under Items C1 12.1 par. 5 and IB 10.10 par. 2 of

PD 1594. The confirmation of the said contract price adjustment was likewise deferred on 14 December 2001 meeting²² of the Board, pending the submission by Management of the basic justifications on the increase in the general prices of construction materials.

On 18 March 2002, Rodolfo T. Tuazon was appointed to office as member of the Board of Directors vice Salvador D. Sarabia, Jr. Rodolfo T. Tuazon assumed office on 19 April 2002.²³

On 19 April 2002, the PEA Board through Resolution No. 3203²⁴, confirmed the approved Contract Price Adjustment to JDLC in the total amount of P42,418,493.64.

On 23 July 2002, Beriña requested the Board for confirmation of Variation Order No. 3 (Landscaping Works-Central Boulevard), Variation Order No. 4 (Additional Items of Work) and Variation Order No. 5 (Landscaping Works-Seaside Drive), amounting to P13,357,005.00, P4,759,630.80 and P1,244,949.00, respectively as well as the final bill of quantities in the total amount of P79,332,524.08.²⁵

On 13 August 2002, upon motion of Director Rodolfo T. Tuazon, the PEA Board through Resolution No. 3272²⁶ series of 2002 approved Variation Order No. 4 and the Final Bill of Quantities. In the minutes of the said meeting, Director Tagud stated that he was abstaining and withholding comment for or against the motion for approval, pending clarification on the project components. Nonetheless, the Board confirmed Variation Order No. 4 (Additional Items of Work) and the Final Bill of Quantities (Overruns/Underruns) for the CBRP, with the approximate amount of P4,759,630.80 and P79,332,524.08, respectively. The said amount was to be charged against the proceeds of the P1 billion GSIS loan.

On 10 September 2002, Director Tagud registered his negative vote on the motion for approval of Variation Order No. 4 (Additional Items of Work) and the Final Bill of Quantities (Overruns/Underruns) for the CBRP, in the approximate amount of P4,759,630.80 and P79,332,524.08, respectively.²⁷

On 16 September 2002, Dir. Tagud sent a letter-complaint²⁸ to Her Excellency President Gloria Macapagal-Arroyo alleging irregularities surrounding the construction of the PDMB.

On 25 September 2002, the Office of the President referred to the PAGC the letter-complaint of Dir. Tagud against PEA officials and the reply of the PEA officials to said complaint.

On 12 November 2002, the Investigation Office of the PAGC, as a nominal complainant, filed a Formal Charge against the members of the PEA Board of Directors and some PEA employees involved in the alleged irregularities surrounding the construction of the PDMB.

On 22 November 2002, the Preliminary Conference was conducted wherein respondents were given the chance to raise clarificatory questions. The Commission denied respondent Tagud's Motion to Refer Administrative Case to the Ombudsman by virtue of the letter from the Ombudsman dated 17 October 2002, quoted herein:

This has reference to your letter dated 14 October 2002 requesting for authority to conduct administrative disciplinary proceedings against the presidential appointees at the Public Estates Authority (PEA) named respondents in the case involving the construction of the President Diosdado Macapagal Boulevard (PDMB).

It is our humble view that the authority is not necessary.

The Office takes the opportunity to confirm the fact that the case filed with this Office on 3 October 2002, involving the subject controversy, is criminal in nature. It now bears the docket number **OMB-C-C-02-0667-J**, entitled “Sulficio Tagud, Jr., et al. versus Ernest Villareal, et al.” The basic complaint has not been further docketed as an administrative case. Thus, the same did not preclude the subsequent filing with the PAGC of an administrative complaint against the concerned PEA officials. (underscoring provided)

In the same hearing of 22 November 2002, the Commission granted the request of the counsel of respondent Tagud to file an Answer/Counter-Affidavit on 25 November 2002.

Upon agreement of the parties, the preliminary conference on 22 November 2002 was terminated. Immediately thereafter, the Commission issued an Order²⁹ directing the parties to file their Position Paper and/or Memorandum not later than 26 November 2002, after which the case shall be deemed submitted for Resolution.

THE CHARGE

Among the members of the PEA Board of Directors charged are the following:

1. Ernest F. O. Villareal, Chairman
2. Benjamin V. Cariño, General Manager and Ex-Officio Member
3. Joemari D. Gerochi, Board Member
4. Sulficio O. Tagud, Jr., Board Member
5. Martin S. Sanciego, Jr., Board Member
6. Rodolfo T. Tuazon, Board Member
7. Angelito M. Villanueva, Board Member

The employees of the PEA (non-presidential appointees) included in the Formal Charge are the following:

1. Jaime R. Millan, Assistant General Manager
2. Manuel R. Beriña, Jr., Deputy General Manager
3. Theron V. Lacson, Deputy General Manager
4. Bernardo T. Viray, Deputy Manager
5. Ernesto L. Enriquez, Senior Corporate Attorney

The respondents were charged for violation of the following:

1. Item IB2 of IRR of Presidential Decree No. 1594 am.³⁰
2. Section 3 (i) (g) (e) of Republic Act No. 3019³¹
3. Article 217 Chapter 4 Title 7 of the Revised Penal Code³²

4. Section 46 (b) (3) (4) (9) (27) of Executive Order No. 292 or the Administrative Code of the Philippines,³³ and
5. Article 8 of the Construction Agreement³⁴ signed on 10 April 2000, between the Public Estates Authority and J.D. Legaspi Construction;

For the following acts committed:

1. On 22 April 1999, notwithstanding the existence of a duly constituted PBAC, former Public Estates Authority General Manager Carlos P. Doble created an AD HOC Committee, through Office Order No. 070, composed of the following: Deputy General Manager Manuel R. Beriña, Jr., Chairman; with members, Deputy General Manager Theron V. Lacson; Deputy Manager Bernardo T. Viray; and Senior Corporate Attorney Ernesto L. Enriquez. This Ad Hoc Committee is responsible for the bidding and award of the construction contract for the Central Boulevard Road Project.
2. On 21 October 1999, the Ad Hoc Committee recommended to the PEA Board of Directors, for approval, the contract for the construction of the proposed Central Boulevard Road Project (Package 1) to J.D. Legaspi Construction.
3. On 3 November 1999, the PEA Board of Directors approved the award of contract for the Construction of the Proposed Central Boulevard Road Project (Package 1), in the amount of P584,365,885.05.
4. On 26 November 1999, the Notice of Award was issued to J.D. Legaspi Construction. Subsequently, a Notice to Proceed was likewise issued to Engr. Jesusito D. Legaspi, General Manager, J.D. Legaspi Construction, on 10 April 2000, and the same was received on 11 April 2000.
5. On 10 April 2000, the Agreement for the Construction of the Central Boulevard Road Project (Package 1) was signed between JDL Construction and the PEA, represented by then General Manager, Carlos P. Doble.
6. JDL Construction agreed to perform and complete the Project, in strict compliance with the approved plans, specifications, contract documents, relevant government laws, codes, regulations and ordinances. The works in the Contract included the furnishing by the JDL Construction of all labor, materials equipment and supplies. (Article I, 1.1; 1.2), for a total contract price of P584,365,885.05.
7. On 26 April 2001, notwithstanding his personal knowledge of the fixed contract price of the said Project, Deputy General Manager Manuel R. Beriña, Jr., requested PEA Board of Directors for the approval the updated cost of Variation Order No. 2, in the total amount of P126,440,810.20. PEA Board of Directors approved Variation Order No. 2 through its Board Resolution No. 3102.
8. On 24 August 2001, Assistant General Manager Jaime R. Millan and Deputy General Manager Manuel R. Beriña, Jr. recommended to General Manager Benjamin V. Cariño, for approval, the contract price adjustment in the amount of P42,418,493.64 to JDL Construction, and the appropriation of funds chargeable to the project for the said adjustment; which the latter approved.
9. On 16 April 2002, despite personal knowledge that the contract price of the Central Boulevard Road Project was fixed at P584,365,885.05, Deputy General Manager Manuel R. Beriña, Jr. recommended, and noted by GM

Benjamin V. Cariño, for the Board's approval the contract price adjustment of P42,418,493.64 to JDL Construction; which was subsequently approved by the Board on 19 April 2002 per Resolution NO. 3203.

10. On 13 August 2002, PEA Board Member Rodolfo Tuazon, despite having personal knowledge that the Central Boulevard Road Project has a fixed contract price of P584,365,885.05, moved for the approval of Variation Order No. 4 (Additional Items of Work) and the Final Bill of Quantities (Overruns/ Underruns) by the PEA Board of Directors. The same was approved by the PEA Board of Directors in its 13 August 2002 meeting, with the approximate amount of P4,759,630.80 for Additional Items of Work and P79,332,524.08, for the Final Bill of Quantities.
11. PEA authorized payment and has actually paid J.D.L Construction the total amount of P816,006,251.93, as of 31 August 2002. The total amount of the contract escalated to P837,317,343.77 which is 43.29% escalation from the original contract price of P584,365,885.05.

All the respondents, both the Presidential and the Non-Presidential Appointees, are within the jurisdiction of the Presidential Anti-Graft Commission (PAGC) pursuant to Section 4 and 4 (b)³⁵ of Executive Order No. 12 dated 16 April 2001.

ISSUES

1. WHETHER OR NOT THE AD HOC COMMITTEE HAD THE AUTHORITY TO CONDUCT THE BIDDING AND AWARD OF THE CONSTRUCTION CONTRACT FOR THE CENTRAL BOULEVARD/PDMB;
2. WHETHER OR NOT PRIOR APPROVAL FROM THE OFFICE OF THE PRESIDENT OF THE PHILIPPINES IS REQUIRED FOR THE CONTRACT PRICE ADJUSTMENTS, OVERRUNS, AND/OR VARIATION ORDERS;
3. WHETHER OR NOT THE CONTRACT PRICE ADJUSTMENTS, OVERRUNS, AND/OR VARIATION ORDERS ARE VALID AND JUSTIFIED; AND
4. WHETHER OR NOT THE RESPONDENTS ARE GUILTY OF VIOLATION OF PERTINENT PROVISIONS OF P.D. 1594; REPUBLIC ACT NO. 3019; THE REVISED PENAL CODE; EXECUTIVE ORDER NO. 292; AND THE CONSTRUCTION AGREEMENT SIGNED ON 10 APRIL 2000 BETWEEN PEA AND JDLC.

DISCUSSION

Presidential Decree No. 1084, creating the Public Estates Authority (PEA), provides in its First Whereas, the purpose of the agency which is for the economical and efficient administration of lands and real estate managed and/or operated by the government. The case at bar shows how the members of the Board of Directors and some employees of the Public Estates Authority miserably failed to uphold agency's mandate resulting to the damage and injury of the government.

**The Ad Hoc Committee Had No
Authority To Conduct The Bidding And
Award Of The Construction Contract
For The Central Boulevard or PDMB**

The irregularity surrounding the construction of the PDMB started when the former General Manager Carlos R. Doble created an Ad Hoc Committee, through Office Order No. 070³⁶ dated 22 April 1999, for the bidding and award of the construction contract of the Central Boulevard now referred to as the President Diosdado Macapagal Boulevard, notwithstanding the fact that there was an existing Pre/Post Qualification, Bidding and Awards Committee or PBAC constituted in 9 July 1996, through Office Order 125 pursuant to PD 1084, PD 1594, EO 164, and the approval of the PEA Board of Directors.

Respondents Beriña as Chairman, and Lacson, Viray, and Enriquez as members of the illegally constituted AD HOC Committee participated in the opening of bids for the construction of the Central Boulevard as evidenced by the Abstract of Bids dated 16 September 1999. Respondents then awarded the contract to the JD Legaspi Construction and requested for Board Approval for the said award.

In their Counter-Affidavits, respondents Lacson, Viray, and Enriquez aver that they only performed their duties and responsibilities by virtue of the Office Order No. 070 issued by former GM Carlos P. Doble. They argued that being a member of the said committee could not be considered as unlawful. They aver that they performed their functions diligently and faithfully by securing the necessary clearances and approval in the conduct of the Simplified Bidding up to the Award of the Contract.

Respondent Lacson and Enriquez further stated that there is nothing in Item IB 2 of the IRR of PD 1594 which prohibits the creation of an Ad Hoc Committee for bids and awards nor a proscription that there should only be one (1) PBAC in an agency. Further, they stated that the Ad Hoc Committee substantially conformed to the composition indicated in the said IRR of PD 1594. In addition, respondents aver that the government did not suffer any undue injury because the bid of JDLC was the lowest among the responsive bids submitted by the bidders. Neither could it be said, according to the respondents, that this is grossly and manifestly disadvantageous to the government.

The Commission finds the contentions of respondents Lacson, Viray, and Enriquez to be without merit. The IRR of PD 1594, specifically IB 2 – 1, directs each agency to constitute a PBAC that should have a total of seven (7) members. The required composition is specified herein:

IB 2 – ORGANIZATION OF THE PBAC

1. Each office/agency/corporation shall have in its head office or in its implementing offices a Prequalification, Bid and Award Committee (PBAC) which shall be responsible for the conduct of prequalification, bidding, evaluation of bids and recommending award of contracts. Each committee shall be composed of the following:
 - a. Chairman (regular) – At least third ranking official of the office/agency/corporation.
 - b. Executive Office and Secretary (regular) – Legal Officer of the office/agency/corp.

- c. Member (regular) – Technical member designated by the head of office/ agency/corporation
- d. Member (provisional) – At least two, with experience in the type of project to be bid and in project management, duly designated by the head of the office/agency/corporation on a project to project basis.
- e. Members from the private sector –

To ensure the transparency of bidding process, one qualified representative from a constructors' association DULY RECOGNIZED BY THE CONSTRUCTION INDUSTRY AUTHORITY OF THE PHILIPPINES (CIAP) and one qualified representative from any of the following organizations:

- (1) End-user group or non-governmental organization to be designated by the head of the office/agency/corporation concerned.
- (2) Associations of Certified Public Accountants or Civil Engineers duly recognized by the Professional Regulation Commission (PRC).

Both representatives shall be non-voting members.

Furthermore, Section 2 of IB2 IRR of PD 1594 states that:

IB2.2. Government-owned or controlled corporations shall organize their own PBACs, the members of which shall be appointed by their respective boards preferably along the same line as other government offices. (underscoring supplied)

It is therefore clear that the Ad Hoc Committee composed of only four (4) members chosen by Doble did not conform at all with the requirements indicated in the IB2, IRR of PD 1594. In addition there was no Board approval of the said Office Order creating the Ad Hoc Committee. Respondents could have taken all the necessary steps/measures to protect the interest of the government to ensure that everything is in accordance with the pertinent existing laws, rules and regulations. They failed to act with the diligence of a good father of a family and thus prejudiced the interest of the government.

Respondents' argument that being members of the said Ad Hoc Committee is not illegal is bereft of merit. Performing the functions of the PBAC as members of the Ad Hoc Committee without any color of authority is patently against the law. The acts of the respondents as members of the Ad Hoc Committee taint with irregularity the bidding and award of the construction contract of the PDMB, which to date, has cost the government more than a billion pesos. The duly constituted PBAC is composed of the following: Theron V. Lacson as Chairman, and members Atty. Jaime T. De Veyra, Engr. Rodolfo C. Hernandez, Architect Jorge L. Regala, Mrs. Cristeta Q. Catral, and a Representative from a Professional Organization.

The argument of the respondent that there is nothing in Item IB 2 of the IRR of PD 1594 which prohibits the creation of an Ad Hoc Committee for bids and awards nor a proscription that there should only be one (1) PBAC in an agency is devoid of merit. The

IB 2 of the IRR of PD 1594 sets the composition of the PBAC which, in effect, prohibits the constitution of any other committee to be formed that is not in conformity with the guidelines set in the IRR of PD 1594.

One of the objectives of PD 1594 in adopting a set of rules and regulations covering government contracts for infrastructure is to bring about maximum efficiency in project implementation and minimize project cost and contract variations through sound practices in contract management.³⁷ To depart from prescribed rules and regulations will most often result in anomalies sought to be avoided by the government in infrastructure projects. This is precisely what happened in the PDMB project.

Respondent members of the Ad Hoc Committee's actions have caused undue injury to the government.

**Prior Approval From The Office Of The Is Required
For The Contract Price Adjustments,
Overruns, And/Or Variation Orders**

Below is the summary of the contract price adjustments, overruns, and variation orders approved by both the old and present members of the PEA Board of Directors.

Board Resolution No. and Date	Nature	Amount
Resolution No. 3102 26 April 2001 (OLD PEA BOARD)	Variation Order No. 2 (42m. Bridge and Seaside Drive Extension) -originally Variation Order No. 1 in the amount of P117,454,756.71 per Board Res. 3089 but was later revised with the updated cost of P126,440,810.20 and became V.O. No. 2 per Board Res. No. 3102.	P126,440,810.20
Resolution No. 3203 19 April 2002 (NEW PEA BOARD)	Contract Price Adjustment (7.26% of Orig. Price)	P42,418,493.64
Resolution No. 3272 13 August 2002 (NEW PEA BOARD)	Variation Order No. 4 (Additional Items of Work) Final Bill of Quantities (Overruns/Underruns)	P4,759,630.80 P79,332,524.08
	TOTAL	P252,951,458.72

Respondents Villareal, Cariño, Gerochi, Tuazon, and Villanueva contend that by virtue of the repeal of Administrative Order No. 7 by Executive Order 109, the requirement of prior Presidential Approval is no longer needed for the contract price adjustments and/or variation orders. Likewise, said respondents contend that nothing in CI 1, 2, 3 IRR of PD 1594 requires prior Presidential Approval for the issuance of change orders, extra work orders, supplemental agreements, overruns/underruns as long as the total aggregate amount does not exceed 100% of the original contract. The Commission finds this contention of the above respondents to be without merit.

First and foremost, the Construction Agreement or contract between the JDLC and the PEA is the primary law between the parties, as in the case of every contract. And Article 8 of the Construction Agreement was more than emphatic in requiring the parties to first

secure the approval of the President before any change order could be effected. The pertinent portion of the contract is quoted herein:

Article 8
Change Order and/or Additional Work

8.1. The PEA, may at any time, by written order, make changes in the schedule and work required under this Agreement. If any such change/s causes an increase or decrease in the work or the time required for performing the work, an equitable adjustment shall be made of the contract price and completion date upon mutual agreement of the parties reflecting such adjustments by way of written order subject to the provisions of the IRR of PD 1594, as last amended and the approval of the President.

8.2. Should the PEA find it necessary to have any additional work carried out for purposes of the Project in addition to the contracted work, such **additional work will be carried out immediately by the CONTRACTOR upon receiving written approval from the President**, provided that the amount of the change order is within the limitations and in accordance with conditions set forth in PD 1594 and its IRR. (underscoring supplied)

Respondent Tuazon opines that the President's approval, taking into consideration governmental hierarchy, should come after, not before, the approval by the PEA Board. There is no logic at all in this argument. The condition stated in the approval of the President of the Construction Agreement between PEA and JDLC on 29 January 2000, is self-explanatory, to wit: "any price adjustment or variation orders should first be approved by the Office of the President before the changes could be effected." This statement does not require any interpretation from any source, especially from the respondents.

Nothing in the records shows that the President's approval was secured before the PEA Board approved the Variation Order No. 2, Contract Price Adjustment, Variation Order No. 4, and Final Bill of Quantities. Former President Joseph Estrada clearly did not approve Variation Order No. 2. Neither did President Gloria Macapagal-Arroyo approve the Contract Price Adjustment, Variation Order No. 4, and Final Bill of Quantities. The members of the **Old** and **New Board of Directors** were therefore clearly remiss in their duty to protect the interest of the government as manifested in their refusal to follow the directive from the Office of the President and the stipulations in the Construction Agreement.

The contention of the respondents that the President's approval is no longer required in EO 109 is not correct, because Section 9 of EO 109 states the following:

- a. All Government Contracts required by law to be acted upon and/or approved by the President, and any subsequent amendments or supplements thereto, shall not be signed until after the NEDA Board, which is chaired by the President of the Philippines, has favorably acted upon or approved the same.

What is now required under EO 109 is not only the President's approval but also that of the NEDA Board which is chaired by the President. Legally, the President's approval is still

required for contracts. Moreover, there is nothing in the records which shows that approval from the NEDA Board was secured by the respondents with respect to the price adjustments and/or variation orders. Nor was there any attempt to secure such approval from the President.

Respondents Gerochi and Tuazon contend that if there was failure to secure Presidential Approval, the PEA Board may not be held answerable for such administrative lapse because the Board acts mainly on policy matters. The respondents argue that it was incumbent upon management to secure such Presidential Approval after Board action on the matter.

The Commission finds the contention of respondent Gerochi and Tuazon unmeritorious. The absence of a Presidential Approval for the contract price adjustments, overruns, and/or variation orders is not a mere administrative lapse but rather a reflection of utter disregard of the very basic requirement before any contract price adjustments, overruns, and/or variation orders should be approved and implemented.

The Board Members were chosen and appointed by Her Excellency President Gloria Macapagal-Arroyo for their competence and good judgment in always upholding national interest over and above any other consideration. The Board Members of a corporation cannot simply pass the buck to the Management or its subordinates otherwise the Board itself becomes useless.

**Whether Or Not The Contract Price
Adjustments, Overruns, And/Or
Variation Orders Are Valid And Justified**

Respondents Millan, Beriña, and Viray contend that as employees of the PEA, they were just following the instructions from their superiors and that their actions were only recommendatory. Respondent Millan avers that as the designated Project Director of Construction Task Force (CTF) for the Central Boulevard Road Project (CBRP), he made sure that each and every segment of the contract were all approved by COA. Respondent Beriña avers that because of the delay in issuing Notice To Proceed which took seven (7) months, the contractor requested for a contract price adjustment in the amount of P42,418,493.64 on the basis of IB 10.10 of IRR PD 1594.

Respondent also contends that the 42-meter inland bridge was an additional work to the JDLC because R-I Consortium declined to construct it because it was outside its coverage area. The Commission noted that there was no evidence presented to support this contention.

Respondents further contend that in every project, the overruns/underruns are inevitable because there are no perfect plans nor perfect estimates. Respondents also maintain that until actual excavation and implementation of the design and the plans, there is no absolute means of determining the soil condition or actual work to be done or the precise amount of materials used.

Respondents Villareal, Cariño, Gerochi, Tuazon, and Villanueva contend that the contract was not a “fixed price” contract, but a “unit priced” contract. Respondents contend that Article 8 of the Construction Agreement between PEA and JDLC allows for Change Order and/or Additional Work.

Article 8 of the Construction Agreement providing for possible change orders and/or additional work does not change the nature of the contract to a “unit-priced contract.” What is rather provided for in Article 8 is the requirement needed for a change order to be effected, that is, the President’s Approval.

What is apparent in the arguments of the respondents is the utter disregard of the very nature of the Construction Agreement entered into by the PEA and JDLC, which is a fixed-price contract. Pertinent provisions of the Construction Agreement is quoted herein:

Construction Agreement
Article I Scope of Work

1.2 The works to be done in this contract shall include the furnishing by the contractor of **ALL labor, materials, equipment and supplies, and the performance by the Contractor of all operations necessary for the complete construction of the project.**

Article 3 Contract Price

3.1 As consideration for the full and faithful performance and accomplishment of all obligations specified in Article I above, which the Contractor agrees to undertake, perform, and accomplish under this Agreement. PEA shall pay the Contractor the **Total Contract Price of FIVE HUNDRED EIGHTY FOUR MILLION, THREE HUNDRED SIXTY FIVE THOUSAND EIGHT HUNDRED EIGHTY-FIVE & 05/100 PESOS (594,365,885.05)** inclusive of Value-Added Tax (VAT), as well as fees and taxes for obtaining the necessary licenses and clearances from the Department of Environment and Natural Resources, City of Parañaque, Pasay City and other government agencies. (underscoring supplied)

While it is true that there are no perfect plans, as argued by the respondents, the Commission noted that the Construction Agreement itself provides for a fixed contract price. Since the Construction Agreement was not entered into at the price for each unit of work or materials, but rather is a fixed price, lump sum contract, then there can be no justified increase or decrease of the price. It follows that any increase in the cost of constructing and completing the project work must, under the Construction Agreement, be borne by the contractor.

Furthermore, the Supreme Court in the case of BAYLEN Corporation, et. al. vs. CA³⁸, ruled that the contractor can and commonly does, build into its bid or negotiated price a realistic contingency factor to protect its expected profit from erosion by drastic cost increases, pertinent portion is quoted herein:

It is also perhaps well to note that there is nothing exotic about a contractor assuming the risk of the costs of construction moving up before completion of a project. Fixed priced, lump sum contracts are quite common in the construction industry. The contractor can, in the first place, and commonly does, build into its bid or negotiated price a realistic contingency factor to protect its expected profit from erosion by drastic cost increases. In the second place, the well-organized, credit-worthy contractor should be able substantially to mitigate the impact of expected or possible increases

in construction costs. It is open to such a contractor to take advantage of economies of scale by buying construction materials in bulk and thus availing of bulk discounts, and to anticipate price increases by buying such materials forward. The contractor can, furthermore, reduce its effective costs by increasing the productivity and efficiency of its work force and by keeping its administrative and other overhead costs down. **There is thus nothing unfair about holding a contractor to its fixed price, lump sum contract even in an environment of rising prices.** (underscoring supplied)

The Commission believes that Article 4, Section 4.5³⁹ (Price Escalation) of the Construction Agreement is a provision in the contract inconsistent to Articles 1 and 3 of the Construction Agreement and to the very nature of the contract that is “fixed-price”. To conclude otherwise would render the bidding an exercise in futility if the Contractor will just be allowed to escalate the contract price later in the guise of overruns and variation orders. Precisely, JDLC won the bid over the other bidders on its contract price.

Respondent Cariño and Villareal contend that it is not appropriate to compare the cost incurred by SM and R-I Consortium to that of the JDLC because based on the studies of PEA Technical Management, the scope of work, time factor, as well as materials used, contributed to increased costs in the construction costs of the subject contract. Respondents aver that with the limited time given to JDLC, the latter was constrained to make use of stronger materials for the construction of the roads and that the need to finish the project as soon as possible left JDLC no choice but to get A1 quality materials and resort to extra safety measures to ensure the strength and quality of the roads.

This contention is bereft of merit. At the risk of being repetitious, the three contractors, namely, SM, R-I, and JDLC, worked on the same PDMB project. Therefore, it cannot be justified that only JDLC seemed to have exerted more work and encountered more difficulties than the two other contractors. The Commission takes judicial notice of the fact that the land where the PDMB is located is a reclaimed portion of the Manila Bay, and the reclamation had long been completed as early as the 1970's.

Since all three contractors, namely, SM, R-I Consortium, and JDLC, worked on the same land, it is extremely unlikely that the soil condition of the area assigned to the JDLC is unstable (as it claimed) whereas the areas assigned to the SM and R-I Consortium were stable. JDLC's justification for the price adjustments and/or variation orders borders on the realm of impossible. As such, it deserves to be ignored.

Records and the facts of the case belie the contention of respondents Cariño and Villareal as to the extra works that the JDLC needed to undertake, considering that neither the SM nor R-I Consortium requested for any price adjustments as evidenced by the CERTIFICATION dated 15 October 2002 issued by Dominador C. Villanueva, Manager of PEA Construction Management Department, for the R-I Consortium⁴⁰, to wit:

This is to certify that as of today (15 October 2002) the R-I Consortium who constructed the Roxas Canal West Bridge under Implementing Agreement NO. 5 and the Central Boulevard (PDMB) road portion from sta. 2+400 to 3+620 under Implementing Agreement No. 6 has not requested any price adjustment in the construction of the abovementioned road and bridge.

and a CERTIFICATION dated 15 October 2002 from Cristina A. Catral, Manager of PEA Legal Department, for the SM⁴¹, to wit:

Therefore, any price adjustment resulting from increases in construction costs cannot be given due course and has no basis in our Joint Venture Agreement with SM.

The other two (2) contractors (SM, Inc. and R-I Consortium), as shown in the above CERTIFICATIONS, did not ask for any price adjustments, and yet all three (3) contractors worked on the same stretch of road. In addition, the contract price of the two other contractors, SM and R-I Consortium, is much lower than that of the JDLC. The price per kilometer for SM is P86,821,882.04; and for R-I Consortium P132,795,218.37 per kilometer. Compare this with the price per kilometer of JDLC which is P262,165,045.09 as stipulated in the original contract that was signed on 10 April 2000. This shows that indeed variation orders and price adjustments granted to the JDLC amounting to P252,951,458.72 over and above the original contract price, have absolutely no justification.

Looking at the price difference between JDLC and the other two contractors (SM and R-I Consortium), the thing speaks for itself (*res ipsa loquitur*) that indeed there was an overprice in the construction of the JDLC portion of the PDMB. It is even safe to conclude that the PDMB can qualify as the most expensive road in the Philippines. And come to think of it, the road is not even made of cement but of asphalt.

Respondent Tuazon contends that there is no basis to say JDLC contract is grossly disadvantageous to the Philippine Government; citing the case of Marcos vs. Sandiganbayan, where it was ruled that the lease contract that provided for a monthly rental of P100,000.00, standing alone, was not found grossly disadvantageous to the government even if the sublease provided for a monthly rental of P700,000.00 monthly.

The Commission takes exception to the contention of respondent Tuazon that contract price for the JDLC is not disadvantageous to the government. The 43.20% escalation of the contract price, standing alone and unexplained, is more than enough basis to conclude that the variation orders and contract price adjustments are grossly disadvantageous to the Filipino people and the Philippine Government.

Respondent Tagud avers that he questioned the contract price adjustment amounting to P42 Million in the December 5 and 14, 2001 meetings of the PEA Board. What respondent Tagud failed to aver, however, is that on 19 April 2002 the PEA Board approved the said contract price adjustment through Resolution No. 3203, where he was present and raised no objection to the said resolution.

Respondents aver that they relied on the recommendations of their subordinates and on utmost good faith that they enjoy the legal presumption of regularity in the performance of their official functions, which presumption should prevail in the absence of sufficient proof to the contrary. Respondents cited the case of Arias vs. Sandiganbayan and Magsuci v. Sandiganbayan, in contention that the members of the Board of Directors had only to rely on the executive officers to guide them in their actions and decisions. They contend that they had no reason to doubt information of the PEA management.

The Commission finds the above contentions of the respondents unacceptable. The board of directors is the directing and controlling body of the corporation. PD 1084 vests

in the Board of Directors of PEA the power to control and direct the affairs of the PEA. The Board of Directors occupies a position of trusteeship in relation to the stockholders in the sense that the board should exercise not only care and diligence, but utmost good faith in the management of corporate affairs.⁴² Therefore the ultimate responsibility for all the manifestly unlawful, inequitable, or irregular transactions pertaining to the construction of the PDMB rests on the shoulders of the respondents as members of the PEAE Board of Directors.

Respondents are expected to observe strict integrity and moral responsibility as members of the Board of Directors of the PEA. They should at all times protect the interest of the government and perform acts not repugnant to law. Sadly, they failed in this mission!

Other Issues Raised

Resignation of Respondent Does Not Divest The PAGC Jurisdiction

Respondent Gerochi's resignation was accepted by the Office of the President on 26 September 2002. Respondent Sanciago resigned on 29 October 2002, followed by Tuazon on 30 October 2002, then Tagud on 7 November 2002. Respondents Villareal, Cariño, and Villanueva filed their resignation on 14 November 2002.

By virtue of their resignation, respondents argue that they are no longer within the jurisdiction of the PAGC. They contend that there is no more reason for the Commission to continue with the proceedings, considering that the remaining steps to take, based on the rules of this Honorable Office, are either to recommend to the President administrative actions against all the respondents, the worst of which is dismissal from the service, or to refer the matter to the Ombudsman.

Respondents also contend that the Commission is effectively barred from taking either of the above courses of action. According to respondents, the submission of PAGC's report and recommendation to the President would obviously be useless and any penalty to be imposed would be ineffectual as they no longer occupy their respective offices. Respondents also allege that the referral of this case to the Office of the Ombudsman would be a superfluity since the said Office has already commenced preliminary investigation of criminal charges (docketed as OMB-C-C-02-0667-J) against them for the same subject matter. Therefore, according to the respondents, the instant investigation has already been rendered moot and academic.

Records show that the Office of the President referred the complaints on the irregularity surrounding the construction of the PDMB to the PAGC, for appropriate action, on 25 September 2002. It is thus clear that this Commission had already acquired jurisdiction over the subject matter of the complaint before any of the respondents' resignation was accepted by the President. The PAGC does not only have jurisdiction over the respondents but is duty bound to investigate the irregularities in the construction of the PDMB, pursuant to Section 7 of Executive Order 12 (PAGC's Charter), as quoted herein:

Section 7. Resignation/Retirement of Respondent. – The resignation or retirement of the public officer under investigation shall not divest the Commission of jurisdiction to continue the investigation or hearing and

submit its recommendations to the President as to the imposition of accessory penalties or such other action be taken.

Furthermore, no less than the Supreme Court En Banc ruled in the 1975 case of *Perez vs. Abiera*⁴³, reiterated in the cases of *People of the Philippines vs. Valenzuela and Lai Man*⁴⁴, *Zarate and Chaves vs. Romanillos*, and *Navarro, Jr. vs. Romanillos*⁴⁵, that retirement from the service does not warrant the dismissal of the administrative complaint which was filed against the respondent while still in the service; quoted herein is the pertinent portion of the decision:

The Court's jurisdiction, acquired at the time of the filing of the administrative complaint, is not lost by the mere fact that the respondent public official had ceased to be in office during the pendency of his case. The Court retains its jurisdiction either to pronounce him innocent of the charges or declare him guilty thereof. A contrary rule would be fraught with injustices and pregnant with dreadful and dangerous implications."(underscoring supplied)

There is likewise no merit to the contention of the respondents that the PAGC can no longer recommend any sanctions since they have already resigned and therefore cannot be dismissed from service anymore. It is incorrect to state that the PAGC can no longer impose sanctions on the respondents who have already resigned. The PAGC can still impose the accessory penalties in an administrative investigation of a respondent. We would like to bring to the attention of the respondents Section 7 of the EO 12, which states that:

Section 7. Resignation/Retirement of Respondents. – The resignation or retirement of the public officer under investigation shall not divest the Commission of jurisdiction to continue the investigation or hearing and submit its recommendations to the President as to the imposition of accessory penalties or such other action be taken.

Precisely the purpose of this investigation is the possible imposition of accessory penalties in the event that substantial evidence will establish the liability of the respondents.

PAGC Observed Due Process

Respondent Tuazon contends that the charges are vague, ambiguous, broad and sweeping, cover not just one but tons of offenses, and virtually deny herein respondent his right to be informed of the nature and cause of the accusations against him and thus his fundamental right to due process.

Due Process, as ruled by the Supreme Court En Banc in the case *National Development Company, et.al. vs. Collector of Customs of Manila*⁴⁶, to wit:

Indeed, our Constitution provides that "No person shall be deprived of life, liberty, or property without due process of law", which clause epitomizes **the principle of justice which hears before it condemns, which proceeds upon inquiry and renders judgment only after trial.** That this

principle applies with equal force to administrative proceedings xxx.
(underscoring supplied)

In addition, the Supreme Court ruled in the case *Mark Roche International vs. NLRC*⁴⁷,
to wit:

The requirements of due process are satisfied when the parties are given
the opportunity to submit position papers wherein they are supposed to
attach all the documents that would prove their claim in case it be decided
that no hearing should be conducted or was necessary.

Records will show that the Commission has observed the basic requirements of due
process throughout the whole proceedings of the case. In fact, a preliminary conference was
conducted to give the parties a chance to raise clarificatory questions and other issues related
to the case. Respondents were allowed to submit Position Papers, which they did.

DECISION

After thorough evaluation of the evidence in possession of the Commission and that
submitted by the parties, the Commission finds substantial evidence against respondents
Villareal, Cariño, Gerochi, Tagud, Jr., Sanciago, Jr., Tuazon, and Villanueva, for violation of
Section 3 (i) (g) (e) of Republic Act No. 3019.⁴⁸ The Commission recommends the penalty
of removal or dismissal for all the respondents. However, In light of the respondents'
resignation and the acceptance by H.E. President Gloria Macapagal-Arroyo of the
respondents' resignation, this Commission recommends the imposition of the accessory
penalties which are inherent in the imposable penalty pursuant to Section 7 of EO 12.

In the case at bar, one of the disabilities inherent in the penalty of DISMISSAL is
perpetual disqualification of reemployment in the government service, as provided for in
Sec. 58 EO 292.⁴⁹

Likewise the Commission finds substantial evidence against respondents Millan,
Beriña, Jr., Lacson, Viray, and Enriquez, who are non-presidential appointees but who are
involved with the presidential appointees in violating Executive Order No. 292, to wit: (9)
Committing Acts Punishable under the Anti-Graft Laws and (27) Conduct Prejudicial to the
Best Interest of the Service. As provided for in Sec. 52 A (9) (20) of CSC Resolution No.
991936⁵⁰, the imposable penalty for violation of Sections 9 and 27 of EO 292 is Dismissal
from the government service.

The evidence also shows that the irregularities surrounding the construction of the
PDMB started with the Old Board of Directors composed of Carlos P. Doble, General
Manager and Ex-Officio Member; Frisco F. San Juan, Chairman; and Board Members
Carmelita De Leon-Chan, Daniel T. Dayan, Salvador P. Malbarosa, Leo V. Padilla, and
Elpidio G. Damaso.”

After a careful review of the records of the case, this Office affirms *in toto* the findings of the
Commission and holding the respondents GUILTY AS CHARGED for VIOLATION OF SECTION 3
(E) (G) (I) OF R.A. 3019 AS AMENDED.

WHEREFORE, premises considered and as recommended by the Presidential Anti-Graft Commission (PAGC), the penalty of PERPETUAL DISQUALIFICATION FROM RE-EMPLOYMENT IN THE GOVERNMENT SERVICE IS IMPOSED ON RESPONDENTS ERNEST F. O. VILLAREAL, BENJAMIN V. CARIÑO, JOEMARI D. GEROCHI, SULFICIO O. TAGUD, JR., MARTIN S. SANCIEGO, JR., RODOLFO T. TUAZON, and ANGELITO M. VILLANUEVA.

SO ORDERED.

Done in the City of Manila, this 13th day of December, in the year of Our Lord, year two thousand two.

By Authority of the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

¹ Records, p. 224.

² Records, p. 106.

³ Records, p. 120.

⁴ Records, p. 9.

⁵ Records, p. 563.

⁶ Records, p. 301.

⁷ Records, p. 2050.

⁸ Records, p. 35.

⁹ Records, p. 318.

¹⁰ Records, p. 32. Abstract of Bids dated 16 September 1999.

¹¹ Records, p. 319.

¹² Records, p. 331.

¹³ Records, p. 333.

¹⁴ Records, p. 689.

¹⁵ Records, p. 356.

¹⁶ Records, p. 436.

¹⁷ Records, p. 3035.

¹⁸ Records, p. 448.

¹⁹ Records, p. 2937.

²⁰ Records, p. 466.

²¹ Records, p. 467.

²² Records, p. 470.

²³ Records, p. 2754.

²⁴ Records, p. 448.

²⁵ Records, p. 523.

²⁶ Records, p. 553.

²⁷ Records, p. 554.

²⁸ Records, p. 226.

²⁹ Records, p. 3272.

³⁰ Item IB2 – Organization of the Prequalification, Bid and Award Committee (PBAC), IRR of Presidential Decree No. 1594, as amended: “IB 2 – ORGANIZATION OF THE PBAC- 1. Each office/agency/corporation shall have in its head office or in its implementing offices a Prequalification, Bid and Award Committee (PBAC) which shall be responsible for the conduct of prequalification, bidding, evaluation of bids and recommending award of contracts. xxx. 2. Government-owned or controlled corporations shall organize their own PBACs, the members of which shall be appointed by their respective boards preferably along the same line as other government offices.”

³¹ Republic Act No. 3019, as amended, in particular, Section 3 (i) Directly or indirectly becoming interested, for personal gain, or having a material interest in any transaction or act requiring the approval of a board, panel or group of which he is a member and which exercises discretion in such approval even if he votes against the same or does not participate in the action of the board, committee, panel or group. Interest for personal gain shall be presumed against those public officers responsible for the approval of manifestly unlawful, inequitable, or irregular transactions or acts by the board, panel or group to which they belong.

Section 3(g) Entering, on behalf of the government, into any contract or transaction manifestly and grossly disadvantageous to the same, whether or not the public officer profited or will profit thereby.

Section 3 (e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

³² Revised Penal Code. Article 217- Malversation of public funds or property. Presumption of malversation. – Any public officer who, by reason of the duties in his office, is accountable for public funds or property, shall appropriate the same, or shall take or misappropriate or shall consent, or through abandonment or negligence, shall permit any other person to take such public funds or property, wholly or partially, or shall otherwise be guilty of the misappropriation of malversation of such funds or property, x x x.

³³ Executive Order No. 292 Section 46 (b) (3) Neglect Of Duty; (4) Misconduct; (9) Committing Acts Punishable under the Anti-Graft Laws; and (27) Conduct Prejudicial to the Best Interest of the Service.

³⁴ Construction Agreement. Article 8. Change Order And/Or Additional Work, 8.1. The PEA, may at any time, by written order, make changes in the schedule and work required under this Agreement. If any such change/s causes an increase or decrease in the work or the time required for performing the work, an equitable adjustment shall be made of the contract price and completion date upon mutual agreement of the parties

reflecting such adjustments by way of written order subject to the provisions of the IRR of PD 1594, as last amended and the approval of the President. 8.2. Should the PEA find it necessary to have any additional work carried out for purposes of the Project in addition to the contracted work, such additional work will be carried out immediately by the CONTRACTOR upon receiving written approval from the President, provided that the amount of the change order is within the limitations and in accordance with conditions set forth in PD 1594 and its IRR.

³⁵ Section 4. Jurisdiction, Powers and Functions. – (b) xxx. In the same manner, the Commission shall have jurisdiction to investigate a non-presidential appointee who may have acted in conspiracy or may have been involved with a presidential appointee or ranking officer mentioned in this subsection. xxx.

³⁶ Records, page 39.

³⁷ Section 1 (b), PD 1594.

³⁸ Baylen Corporation, Reynaldo M. Reyes, Edna L. Reyes and Emmanuel I. Astillero, Petitioners, vs. Hon. Court of Appeals (14th Division) and Jose Rizal College, Respondents. [G.R. No. 76787. December 14, 1987.] SC Third Division

³⁹ 4.5 Price Escalation. Adjustment of contract price due to price escalation shall be effected in accordance with P.D. 1594 and its IRR, upon written agreement of the parties and subject to availability of funds.

⁴⁰ Records, p. 29.

⁴¹ Records, p. 88.

⁴² Sec. 28, Corporation Law; Angeles vs. Santos [1973], 36 Off. Gaz., 921

⁴³ SC En Banc, Atty. Romeo S. Perez vs. Hon. Judge Carlos Abiera [Adm. Case No. 223-J. June 11, 1975.]

⁴⁴ SC En Banc, People Of The Philippines vs. Hon. Manuel E. Valenzuela And George Lai Man [G.R. Nos. L-63950-60. April 19, 1985.]

⁴⁵ SC En Banc, Atty. Noe Cangco Zarate and Atty. Rosendo Chaves vs. Judge Roberto B. Romanillos [A.M. No. RTJ-941140. March 23, 1995] and Police Superintendent Marcelo E. Navarro, Jr. vs. Judge Roberto B. Romanillos [A.M. No. RTJ-94-1218]

⁴⁶ NDC vs. Collector of Customs of Manila [G.R. No. L-19180. October 31, 1963.]

⁴⁷ Mark Roche International vs. NLRC; G.R. No. 123825, 31 August 1999.

⁴⁸ Republic Act No. 3019, as amended, in particular, Section 3 (i) Directly or indirectly becoming interested, for personal gain, or having a material interest in any transaction or act requiring the approval of a board, panel or group of which he is a member and which exercises discretion in such approval even if he votes against the same or does not participate in the action of the board, committee, panel or group. Interest for personal gain shall be presumed against those public officers responsible for the approval of manifestly unlawful, inequitable, or irregular transactions or acts by the board, panel or group to which they belong.

Section 3(g) Entering, on behalf of the government, into any contract or transaction manifestly and grossly disadvantageous to the same, whether or not the public officer profited or will profit thereby.

Section 3 (e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

⁴⁹ EO 292, Section 58. Administrative Disabilities Inherent in Certain Penalties. (a) The penalty of DISMISSAL shall carry with it that of cancellation of eligibility, forfeiture of retirement benefits, and the perpetual disqualification of reemployment in the government service, unless otherwise provided in the decision.

⁵⁰ EO 292, Section 52 Classification of Offenses. A. The following are grave offenses with their corresponding penalties: (9) xxx committing acts punishable under the anti-graft laws. (20) Conduct prejudicial to the best interest of service.

Source: Malacañang Records Office

Office of the President of the Philippines. (2002). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 54

IMPOSSING UPON VELMA DALUPING, THEN BUREAU DIRECTOR OF THE DEFUNCT OFFICE FOR NORTHERN CULTURAL COMMUNITIES, THE PENALTIES OF CANCELLATION OF CIVIL SERVICE ELIGIBILITY, FORFEITURE OF LEAVE CREDITS AND RETIREMENT BENEFITS, IF ANY, AS WELL AS PERPETUAL DISQUALIFICATION FOR RE-EMPLOYMENT/ REINSTATEMENT IN THE GOVERNMENT SERVICE, AS ACCESSORY PENALTIES TO DISMISSAL FROM THE SERVICE FOR A CAUSE.

This refers to the administrative case filed by the Civil Service Commission (CSC) against Velma Daluping, then Bureau Director of the defunct Office for Northern Cultural Communities (ONCC), for violation of Civil Service Law and Rules for impersonating a certain Virginia A. Kidang during the Civil Service Career Professional Examination. For want of jurisdiction on the person of respondent, who is a presidential appointee, the case was referred by the CSC to the Presidential Anti-Graft Commission (PAGC).

The antecedent facts are as follows:

On January 4, 1994, the CSC, through its NCR Director, formally charged respondent, then an employee and later appointed as Director IV, Bureau of Cultural Affairs, of the ONCC, with dishonesty and grave misconduct for allegedly taking the CSC Professional Examination given on July 30, 1989 at Bo. Obrero Elementary School in Quezon City for Virginia Kidang, the supposed examinee. The CSC earlier found Kidang guilty of dishonesty and misconduct.

Instead of an answer, respondent filed on July 6, 1994 an omnibus motion to quash the formal charge and/or hold the investigation in abeyance. The said motion, on the other hand, was denied by the CSC in its Resolution No. 974583 dated December 11, 1997. The motion for reconsideration was similarly denied in Resolution No. 981966 dated July 20, 1998. Undaunted, respondent elevated the case to the Court of Appeals (CA) by way of petition for review, *inter alia* contending that the CSC has not acquired disciplinary jurisdiction to commence and hear the case.

In the meantime, the CSC proceeded with its investigation sans the presence of respondent, who failed to appear despite due notice. On October 19, 2000, the CSC issued an order finding respondent guilty of dishonesty and grave misconduct and meted upon her the penalty of dismissal from the service with all its accessory penalties. The CSC ruled as follows:

“A careful comparison shows that the person whose picture was attached to the Personal Data Sheet of Virginia A. Kidang and the person’s picture appearing in the Picture Seat Plan used in the Civil Service Career Professional Examination on July 30, 1989 at Bo. Obrero Elementary School are different individual. Kidang, whose picture was attached to the PDS has long and rectangular face and her cheekbone are quite prominent, whereas the face of the person whose picture was attached to the PSP is round and the cheekbones not distinguished. Moreover, the Commission has already ruled in CSC Resolution No. 842294 dated

April 20, 1994 that it was not Kidang who took the examination. In Resolution No. 942294, the Commission found Kidang guilty of the charge of Dishonesty and Grave Misconduct for letting another person take the examination on her behalf. Hence, the main issue to be resolved in the instant case is to determine who took the examination.

A careful examination shows that the person whose picture was attached to the Picture Seat Plan (Exhibit A) is not Kidang but Velma Daluping. This is evidenced by the picture attached to the Personal Data Sheet (Exhibit D) of Velma C. Daluping. Undoubtedly, the person who took the examination for Kidang and the person who filled up the Personal Data Sheet are one and the same since the person in the picture in the PDS of Daluping is exactly the same person in the picture pasted on the PSP. Thus, from the evidence submitted, it is indubitable that it was Daluping who took the examination on behalf of Kidang.”

On April 30, 2001, the CA set aside CSC Resolution Nos. 981966 and 974583 for want of jurisdiction. It ruled that the CSC could not initiate administrative proceedings against respondent who is a presidential appointee. On the basis thereof, the CSC forwarded the records of the case to the PAGC.

A notice of hearing was served upon the respondent but the same was returned by the PAGC Serving Officer because the former has transferred to another place somewhere in the Visayas upon learning that she has a pending charge before the PAGC. On the other hand, the CSC did not appear on the scheduled hearing of the case. As a result, the PAGC resolved the case based on the records submitted by the CSC.

Quoted hereunder are the findings of the PAGC, as recited in its resolution dated May 24, 2002, *to wit*:

“Thus the issue is: Whether or not the evidence on record constitutes substantial evidence to hold the respondent liable under Section 4 (c) of Republic Act No. 6713 otherwise known as Code of Conduct and Ethical Standards for Public Officials and Employees?

Section 4 (c) of Republic Act No. 6713 states:

‘(c) Justness and sincerity. – Public officials and employees shall remain true to the people at all times. They must act with justness and sincerity x x x. They shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs public policy, public order, public safety and public interest x x x.’ (emphasis supplied)

As defined by Section 5, Rule 133 of the Rules of Court substantial evidence is ‘that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion’.

The records of this case clearly establish through testimonial and documentary evidence that Velma C. Daluping impersonated Virginia A. Kidang when the former took the Civil Service Career professional Examination in the latter’s stead on 30 July 1989 at Room 17, Bo. Obrero Elementary School, Manila.

Such act is contrary to law (CSC Law and Rules, Article 178 of the Revised Penal Code), good morals, good customs, public policy and public interest.

Granting that the Civil Service Commission does not have disciplinary jurisdiction over respondent Velma C. Daluping, it is a natural reaction of an innocent individual to present evidence to support his or her claim of innocence in any investigation. In addition, an innocent individual faces any investigation steadfastly. As a saying goes. ‘(t)he innocent is as bold as a lion, while the guilty flees even if no one pursues him’.

Hence, this Commission finds substantial evidence to hold respondent Velma C. Daluping liable for the violation of Republic Act No. 6713, Section 4, paragraph (c). For the penalty to be meted out, Section 11 of Republic Act No. 6713 provides:

‘(a) Any public official or employee, regardless of whether or not he holds office or employment in a casual, temporary, holdover, permanent or regular capacity, committing any violation of this Act shall be punished with a fine not exceeding the equivalent of six (6) months’ salary or suspension not exceeding one (1) year, or removal depending on the gravity of the offense after due notice and hearing by the appropriate body or agency.’ (emphasis supplied)

The gravity of the offense committed by respondent Daluping deserves the penalty of removal from public office to enable the government to get rid of an unfit public employee.’

Based on the foregoing, the PAGC recommended the dismissal of respondent from the service with all its accessory penalties.

After careful review of the records of this case, this Office affirms *in toto* the findings of the PAGC.

From the records, it is clear that respondent impersonated Kidang during the Civil Service Career Professional Examination held last July 30, 1989. Her picture appeared in the Picture Seat Plan used in the said examination. Moreover, Moreover, the CSC had already ruled in its Resolution No. 842294 dated April 20, 1994 that Kidang did not took the examination held on said date.

The ONCC was abolished under Republic Act No. 8371 and in its stead created the National Commission on Indigenous Peoples (NCIP). An inquiry with the NCIP revealed that respondent had availed herself of early retirement on February 4, 2001 and correspondingly received her retirement benefits. The question now is whether or not this Office can still impose the penalties recommended by the PAGC despite the retirement from the government service of respondent.

The case of respondent is nothing novel. This issue had already been resolved by this Office in Administrative Order No. 20 dated October 25, 2001 wherein former Immigration Commissioner Edgardo L. Mendoza, who was found guilty of misconduct, was meted the accessory penalties of cancellation of civil service eligibility, etc., despite having resigned from the government service to run for public office. We held:

“Although as a rule, the retirement or acceptance of resignation of a public official leaves nothing in the way of the dismissal of the administrative case filed against him, because an administrative proceeding is predicated on the holding of an office or position in the government (Diamalon vs. Quintillan, Adm. Case No. 116, Aug. 29, 1969, 29 SCRA 347), the better and more recent principle is that enunciated in

the case of People vs. Valenzuela. (L-63950-60, April 15, 1985, 135 SCRA 712, citing Perez vs. Abiera, Adm. Case No. 223-J, June 11, 1975, 64 SCRA 302) herein below pertinently quoted:

‘It was not intent of the Court in the case of Quintillan to set down a hard and fast rule that the resignation or retirement of a respondent judge as the case may be renders moot and academic the administrative case pending against him; nor did the Court mean to divest itself of jurisdiction to impose certain penalties short of dismissal from the government service should there be a finding of guilt on the basis of evidence. In other words, the jurisdiction that was Ours at the time of the filing of the administrative complaint was not lost by the mere fact that the respondent public official had ceased to be in office during the pendency of his case. The Court retains its jurisdiction either to pronounce the respondent official innocent of the charges or declare him guilty thereof. A contrary rule would be fraught with injustices and pregnant with dreadful and dangerous implications. For what remedy would the people have against a judge or any other public official who resorts to wrongful and illegal conduct and unscrupulous magistrate from committing abuses and other condemnable acts knowing fully well that he would soon be beyond the pale of the law and immune to all administrative penalties? If only for reasons of public policy, this Court must assert and maintain its jurisdiction over members of the judiciary and other officials under its supervision and control for acts performed in office which are inimical to the service and prejudicial to the interests of litigants and the general public. If innocent. Respondent official merits vindication of his name and integrity as he leaves the government which he served well and faithfully; if guilty, he deserves to receive the corresponding censure and penalty proper and imposable under the situation.’

In the case at bar, respondent’s resignation was accepted in the thick of the administrative investigation of the case against him, which certainly did not divest the PCAGC of jurisdiction to decide the case on the merit, as in fact it found respondent guilty of the charge and recommended his dismissal from the service. Concededly, however, respondent’s connection with the government having been cut off by virtue of his resignation, the imposition upon him of the penalty of dismissal from the service would be plain supererogation or vain superfluity.

Be that as it may, the government is not left without recourse against respondent who should be made to account for his transgression. And the remedy therefor is, as succinctly and trenchantly stated by the Secretary of Justice in his Opinion No. 30 dated February 17, 1978, to impose upon respondent, who was found guilty of the charge and recommended dismissed from the service, the penalties incident to dismissal for cause, whenever applicable, to wit: (1) cancellation of Civil Service eligibility; (2) forfeiture of leave credits; (3) forfeiture of retirement benefits; and (4) disqualification for reinstatement or re-employment.

From the foregoing, it is clear that the retirement of respondent from the government service is not a hindrance to impose the penalties recommended by the PAGC. However, the penalty imposed should be modified in that, instead of dismissal, respondent should suffer the accessory penalties to dismissal from the service. Under Section 58 of CSC Resolution No. 991936 dated August 31, 1999, the penalty of dismissal from the service shall carry with it that of cancellation of eligibility, forfeiture of retirement benefits, and the perpetual disqualification for reemployment in the government service.

In addition thereto, the penalty of forfeiture of leave credits shall be imposed upon respondent following the Department of Justice Opinion No. 30 dated February 17, 1978. Since respondent had already received her retirement benefits, the same should be returned to the government, including, but not limited, to those received from the Government Service Insurance System and the Home Mutual Development Fund or PAGIBIG, if any.

WHEREFORE, and as recommended by the Presidential Anti-Graft Commission, respondent Velma C. Daluping, then Bureau Director of the defunct Office for Northern Cultural Committee, is hereby found guilty of violating Section 4(c) of Republic Act No. 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees, and ordered to suffer the accessory penalties of cancellation of Civil Service eligibility, forfeiture of leave credits and retirement benefits, if any, as well as perpetual disqualification for reemployment/reinstatement in the government service. The respondent is directed to return all her retirement benefits, including, but not limited, to those received from the Government Service Insurance System and the Home Development Mutual Fund or PAGIBIG.

The National Commission on Indigenous Peoples is ordered to implement and monitor faithful compliance of this administrative order by the respondent.

Done in the City of Manila, Philippines, this 8th day of January, in the year of Our Lord, two thousand and three

Manila, Philippines,

By authority of the President:
(Sgd.) ALBERTO G. ROMULO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

6 January 2003

ADMINISTRATIVE ORDER NO. 55

In the exigency of the service, TASK FORCE CERVANTES is hereby created to be headed by P/CSUPT ROMEO BAYLON MAGANTO with the following members:

- | | |
|--------------------------------------|---------------------|
| 1. P/SSUPT Rodolfo Castillo Sison | - SPD, NCRPO |
| 2. P/SUPT Manuel Delfin Pion | - NCRPO |
| 3. P/SUPT Jesse Victor Balanay | - NCRPO |
| 4. P/CINSP Rodolfo Salapong Bahia Jr | - Paranaque Pol Stn |
| 5. P/CINSP Abdulwahab J Karrimudin | - Taguig Pol Stn |
| 6. SP04 Julian Castañeda | - Taguig Pol Stn |
| 7. SP04 William DR Dam | - Taguig Pol Stn |
| 8. SP02 Vicente P Rosadiño Jr | - NCRPO |
| 9. SP02 David L Gonzales Jr | - NCRPO |
| 10. SP02 Rizal M Papa | - NCRPO |
| 11. SPO1 Arnel Prades | - SPD, NCRPO |
| 12. SPO1 Antonio Lopena | - Taguig Pol Stn |
| 13. SPO1 Gorgonio P Soriano | - NCRPO |
| 14. SPO1 Almario Alfonso Jimenez | - MIMAROPA, PRO 4 |
| 15. SPO1 Blas Tolentino Santos | - MIMAROPA, PRO 4 |
| 16. P03 Elpidio Bernardino | - NCRPO |
| 17. P03 Armando S Taguibao | - Taguig Pol Stn |
| 18. P02 Roderick B Taca | - SPD, NCRPO |
| 19. PO1 Arnel L Rosadiño | - WPD, NCRPO |

The above personnel shall be on detached service with Task Force Cervantes for a period of three months effective immediately.

The Task Force Cervantes is tasked to apprehend and arrest P/SUPT RAFAEL CARDEÑO and SANTIAGO “SONNY” CAMACHO based on lawful orders. The Task Force shall operate nationally and shall be under the supervision of the National Security Adviser. The NSA shall recommend the Task Force’s operational plans and budget for approval by the President.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

President
Republic of the Philippines

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). [*Administrative Order Nos.: 1 - 110-A*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 56
CREATING THE PHILIPPINE SEAFARERS' ONE STOP PROCESSING CENTER

WHEREAS, it is the policy of the State to afford full protection to Filipino seafarers and their families, promote their interests, and safeguard their well-being;

WHEREAS, increasing competition among source countries of seafarers, the changing needs and demands of the industry, and advent of new shipping technologies require more responsive programs that will address the issues of competitiveness and the promotion of seafarers' rights;

WHEREAS, the Philippines is a party to the International Maritime Organization (IMO) Convention on the Standards for Training, Certification and Waterkeeping (STCW '95) which prescribes minimum parameters for the training and certification of seafarers;

WHEREAS, a number of government agencies are mandated to address the needs and requirements of the seafarers to the end that more integrated and harmonized set of systems and procedures for implementation by these agencies would ensure a more timely and efficient delivery of services;

WHEREAS, Filipino seafarers have a right to quality and affordable education and training to prepare them for new and emerging challenges in the practice of their profession and skills;

WHEREAS, the President of the Republic of the Philippines, in the exercise of her executive powers and in pursuance of her duties as administrative head of the government, may initiate or prescribe measures that relate to particular aspects of government operations; and

WHEREAS, Administrative Order No. 45, Series of 2002, designates the Office of the Vice-President to oversee and supervise agreed development programmes, including the Seafarers' Welfare Program.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the power vested in me by law, do hereby order:

SECTION 1. *Philippine Seafarers' One-Stop Center (PSOC)* – There is hereby created a Philippine Seafarers' One-Stop Center (PSOC), under the supervision of the Department of Labor and Employment, where relevant government agencies engaged in the promotion of the interests and well-being of Filipino seafarers shall be represented to efficiently respond to the needs of Filipino Seafarers. In the exigencies of the service and where physical representation of a government agency in the subject center may not be necessary, the services of these agencies should nonetheless be made available through electronic means or other alternative mechanisms that may be put on site.

The PSOC shall adopt and utilize appropriate mechanisms, facilities, equipment and information technology to enable and allow it to respond to the magnitude of Filipino seafarers' concerns and demands.

The head of the PSOC shall have experience and qualifications relevant to the maritime industry, and shall be designated by the Secretary of DOLE from among the career officials of the DOLE and/or its attached agencies, to oversee the operations of the Center and ensure the delivery of efficient and quality service for the seafarers and their families.

SEC 2. *Representatives of Relevant Government Agencies.* – The following government agencies shall establish public assistance kiosks in the PSOC and assign their respective personnel thereat toward

integrating all documentation-related services of agencies concerned in one facility. The agencies that are mandated to provide services in the PSOC are as follows:

- (a) Department of Labor and Employment (DOLE)
- (b) Department of Foreign Affairs (DFA)
- (c) Commission on Higher Education (CHED)
- (d) Professional Regulation Commission (PRC)
- (e) National Telecommunications Commission (NTC)
- (f) Philippine Overseas Employment Administration (POEA)
- (g) Overseas Workers Welfare Administration (OWWA)
- (h) Technical Education and Skills Development Authority (TESDA)
- (i) Maritime Industry Authority (MARINA)
- (j) National Bureau of Investigation (NBI)
- (k) Social Security System (SSS)
- (l) Philippine Health Insurance Corporation (PHILHEALTH)
- (m) National Statistics Office (NSO)
- (n) Such other government agencies that the Secretary of DOLE may deem necessary

SEC 3. Powers and Functions. – The DOLE, together with the agencies enumerated in Section 2 hereof, shall establish and operationalize the PSOC not later than three (3) months from the effectivity of this Administrative Order.

The PSOC shall have the following functions:

- (a) Operationalize and make available to the public, an integrated document processing center, which shall be physically located in one site towards reducing the time required on the part of the seafarers and the general public for official transactions;
- (b) Provide rationalized and streamlined systems and procedures governing the application for and acquisition of documents required by seafarers for their deployment overseas;
- (c) Automatic, whenever feasible, the process involved in the transaction and delivery of public services;
- (d) Implement pertinent government rules and regulations relative to the mandates of the agencies constituting the PSOC, and
- (e) Develop appropriate guidelines for the delivery of services at the PSOC.

The PSOC shall likewise ensure the following:

- (a) Simplification of systems and procedures and reduction of paper requirements to facilitate the deployment of seafarers;
- (b) Implementation of the full disclosure policy;
- (c) Adoption of a computerized and integrated system of registration of Filipino seafarers;
- (d) Elimination of unnecessary and duplicative requirements that go beyond the provisions of the STCW '95; and
- (e) Development and implementation of an effective information program, in coordination with manning or crewing agencies, and seafarers' organizations or unions, for the purpose of informing the seafarers of their rights, obligations, benefits and options attending to specific situations that they may face in the course of their employment.

SEC 4. *Policy and Program Review to Promote Competitiveness.* – The CHED, PRC, TESDA, MARINA and Maritime Training Council, and the PSOC shall undertake a periodic review of their policies, regulations and programs to ensure competitiveness and excellence among seafarers and shall submit a comprehensive report within six (6) months from effectivity of this Administrative Order and every year thereafter to the Office of the Vice President, containing information on measures undertaken and specific recommendations to address existing issues and concerns relevant to Filipino seafarers. Such review of policies, regulations, and programmes shall be undertaken in consultation with various stakeholders in the maritime industry.

SEC 5. *Reportorial Requirement.* – The PSOC, through the DOLE, shall submit a report to the Office of the Vice President, within six (6) months upon effectivity of this order on the extent and status of streamlining processes pertinent to the operations of the PSOC and the specific mandates of its member agencies relevant to the promotion of Filipino seafarers' interests.

SEC 6. *Funding Provisions.* – Funding which shall in no case be less than twenty-five million pesos (P25,000,000.00), shall be provided to the DOLE for the operations of the PSOC during its initial year of operation, from available sources of funds from the Office of the President and the Philippine Amusement and Gaming Corporation. The funding requirements of the PSOC thereafter shall be integrated in the General Appropriations Act.

SEC 7. *Repealing Clause.* – All administrative orders, proclamations, rules and regulations or parts thereof which are in conflict with this Administrative Order are hereby repealed and/or modified accordingly.

SEC 8. *Effectivity.* – This Administrative Order shall take effect immediately.

Done in the City of Manila, this 24th day of January, in the year of Our Lord, two thousand three.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2003). [*Administrative Order Nos.: 1 - 110-A*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 57

IMPOSING THE PENALTY OF DISMISSAL FROM SERVICE WITH FORFEITURE OF RETIREMENT BENEFITS AND PERPETUAL DISQUALIFICATION FOR REEMPLOYMENT IN THE GOVERNMENT SERVICE ON BURT B. FAVORITO, DIRECTOR, ADMINISTRATIVE MANPOWER AND MANAGEMENT SERVICE; EMILY M. TANQUINTIC, DIRECTOR, COMPTROLLERSHIP AND FINANCIAL MANAGEMENT SERVICE; FLORENDO B. ARIAS, ASST. BUREAU DIRECTOR, BUREAU OF EQUIPMENT; OSCAR D. ABUNDO, DIRECTOR, LEGAL SERVICE; AND, ABRAHAM S. DIVINA, JR., DIRECTOR, BUREAU OF EQUIPMENT, ALL OF THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH).

Acting upon reliable information on alleged anomalous reimbursements for motor vehicle emergency repairs by certain DPWH officials, Hon. Simeon A. Datumanong, DPWH Secretary, issued on January 9, 2002 Department Order No. 15 creating a committee to investigate the matter. The Internal Audit Service was tasked by such committee to assist in its fact-finding mission.

On June 23, 2002, the Internal Audit Service recommended the institution of administrative complaints at the Presidential Anti-Graft Commission (PAGC) against involved DPWH employees who are presidential appointees in their Audit Report, which is quoted as follows:

“RECOMMENDATIONS

xxx

xxx

xxx

2. Furnish the Presidential Commission Against Graft and Corruption (PCAGC) copy of the Committee report towards its institution of appropriate administrative complaints against DPWH presidential appointees named in the report.”

Year 2000-2001 from the wrong fund source. The same is an offense constituting Illegal Expenditure under Section 53, Chapter 9, Book V and Section 43, Chapter 5, Book VI, both of the **Administrative Code of 1987**, in relation to Section 9, Special Provision (Department of Public Works and Highways) of the same **General Appropriations Act**,” Section 3 (e), (i) of **Republic Act No. 3019**, as amended and sections 4 (a), (c) and 7(a) of **Republic Act No. 6713**.

The respondents likewise committed acts that are violative of and contrary to Item No. 4, 4.1, DPWH D.O No. 33, series of 1988 and DPWH Memorandum dated July 31, 1997, Item D, 1.2, 1.4, and 1.6 on Additional Guidelines Re: purchase of Spare parts and Repairs of DPWH Central Office Service Vehicles, in relation to Section 3 (e), (i) of **RA 3019**, as amended and Sections 4 (a), (c) and 7(a) of **RA 6713**.

Respondent Florendo Arias, Assistant Bureau Director, Bureau of Equipment, recommended the approval of twenty-four (24) Requisitions for Supplies and/or Equipment (RSE), which were not requested/certified and signed by the end-users of the vehicles. Twenty (20) of these RSEs are for the Mercedes Benz and four (4) RSEs are for the Nissan Pick-up.

The same respondent, despite personal knowledge that the end-users of the aforesaid vehicles did not request/sign and/or certify the RSEs, still signed the Request of Obligation and Allotment (ROA). He likewise approved the Report of Waste Material purportedly for the said vehicles even if there were no such waste materials because the vehicles were not subjected to actual repairs. Respondent Arias, without authority, also affixed his signature in box C of the twenty four Disbursement Vouchers for the same vehicles.

Respondent Burt B. Favorito, also, notwithstanding personal knowledge that the end users of the two vehicles mentioned did not request/sign and/or certify the 24 RSEs, still approved them. In addition, he approved the ten (10) RSEs for the Mitsubishi Pajero even without the request/signature of the end-user. He even affixed his signature in box C of the ten (10) Disbursement Vouchers. Respondent Arias then approved the ten (10) Reports of Waste Material on the said Pajero, despite knowledge that there were no repairs done.

On her part, respondent Emily M. Tanquintic, Director of Comptrollership and Financial Management Service (CFMS), countersigned checks in payment for the purported repairs and/or replacement of spare parts, despite the fact that the attached supporting documents are dubiously anomalous. The following were the Land Bank of the Philippines checks she signed purportedly for the repairs of said Mercedes Benz and the Nissan Pick-up:

<u>Check #</u>	<u>Date Issued</u>	<u>Amount</u>
1475563	October 9, 2001	P24,550
1475665	October 10, 2001	24,410
1475669	October 10, 2001	24,960
288100-DD	December 19, 2001	24,700
288162-DD	December 20, 2001	24,550
288170-DD	December 20, 2001	25,000
288305-DD	December 21, 2001	24,900

On June 26, 2002, Secretary Datumanong furnished PAGC a copy of the Audit Report, which was made the basis of PAGC's investigation and the filing of the Formal Charge against employees of the DPWH who are presidential appointees.

Quoted hereunder are the findings of facts and law of the Presidential Anti-Graft Commission (PAGC) as contained in its Resolution dated 19 December 2002, thus –

“The Honorable Secretary of the Department of Public Works and Highways, Simeon A. Datumanong, referred to the Presidential Anti-Graft Commission an Audit Report dated June 23, 2002, reporting that its Internal Audit Service did a review of almost seven thousand (7000) disbursement vouchers for the Fiscal Year 2001, covering 578 vehicles and equipment. The said vehicles and equipment

were the subject of purported emergency repairs and replacement of defective spare parts which cost the government the amount of P139,633,134.26.

The Presidential Anti-Graft Commission has in its custody documents gathered from and submitted by the DPWH pertaining to three motor vehicles, to wit: Mercedes Benz, with plate # NRV 687/HI-2297, Nissan Pick-up, bearing plate # TAG 211/HI-4161 and Mitsubishi Pajero, with plate # PLM 494/HI-3558 which were all part of the above-said Audit Report. The end-users of these vehicles are Engr. Medel F. Chua, Chief, Planning and Design Division, DPWH-NCR, Atty. Irene D. Ofilada, Director, Internal Audit Service and Asst. Regional Director Veniedo O. Reyes, DPWH Region IV-B, respectively.

After a thorough evaluation of the documents submitted, the Commission found a prima facie case against the herein respondents, all presidential appointees who are within the jurisdiction of the Commission (**Executive Order # 12**, April 16, 2001). Thus, on November 28, 2002, the Investigation Office of the Commission filed a Formal Charge as nominal complainant against the respondents. The following day, an Order was issued by the Commission requiring the submission of a Counter-Affidavit/Verified Answer by the respondents. Likewise, the Preliminary Conference was scheduled on December 12, 2002.

During the Preliminary Conference, the parties agreed to submit the case for resolution after filing their respective position papers and/or memoranda on the 17th of December 2002.

A careful perusal of the formal charge and the documents submitted revealed the following facts.

The respondents, together with other employees of the DPWH who are non-presidential appointees and who are under the respondent's control and supervision, unlawfully and knowingly perpetrated acts in violation of Section 20 of the General Appropriations Act (GAA) of Fiscal Year 2000 (Republic Act No. 8760) by facilitating the alleged anomalous emergency repairs of several DPWH motor vehicles for Calendar

288561-DD	December 21, 2001	24,700
288562-DD	December 21, 2001	22,300

The fourth respondent, Oscar D. Abundo, Director of Legal Service, was the co-signatory in the checks in payment for the purported emergency repairs or replacement of spare parts, despite the fact that the attached supporting documents are incomplete. The following were the Land Bank of the Philippines checks referred to:

<u>Check #</u>	<u>Date Issue</u>	<u>Amount</u>
1586879	November 9, 2001	P25,000
1586916	November 9, 2001	23,780

Respondent Abraham S. Divina, Jr., Director of Bureau of Equipment, failed to institute necessary management monitoring and control systems in the preparation and maintenance of equipment ledgers for each vehicle. The said

ledgers could have contained individual equipment profiles of record repairs, records of purchases of spare parts and movement of the vehicles. His failure resulted to irregularity or illegal acts within his area of jurisdiction.

The DPWH authorized payment and has actually paid the total amount of P832,140 for the purported repairs and/or replacement of spare parts for the three (3) motor vehicles, covering thirty four (34) transactions/disbursement vouchers, to wit:

a. Nissan Pick-up	= P98,560 (4 transactions)
b. Mitsubishi Pajero	= 249,020 (10 transactions)
c. Mercedes Benz	= 484,560 (20 transactions)

In their memoranda, the respondents answered the issue on the use of the “wrong fund source” by quoting in toto the letter made by Assistant Secretary Evelyn V. Guerrero dated November 5, 2002 addressed to Atty. Gabriel Q. Enriquez, Chairman of the DPWH Hearing Committee, to wit:

“Dear Atty. Enriquez:

This refers to your letter dated October 17, 2002 requesting for legal opinion from the DBM if the emergency repairs of service/motor vehicles may be charged against the 3.5% Engineering and Administrative Overhead of the projects of the DPWH. Your letter alleges that this practice is in violation of Special Provision No. 9 of the DPWH in the FY 2000 GAA, reenacted in FY 2001.

It is our view that repairs of service/motor vehicles, whether regular or emergency, maybe charged against the 3.5% Engineering and Overhead of projects of the DPWH as provided in Special Provision No. 9 of the DPWH in the FY 2000 GAA. As to whether the aforesaid repairs is (sic) considered emergency or not, it is submitted that the DPWH is in a better position to determine the same being the implementing agency concerned.

In this connection, it may be informed that the DPWH can charge 3.5% Engineering and Administrative Overhead to all project funds where the DPWH is the implementing Agency.

XXX

XXX

EVELYN V. GUERRERO
Assistant Secretary”

On the charge that the respondents acted unlawfully in approving the transactions enumerated despite the absence of the required request and signature of the end-user, they answered that the act of affixing their signatures in the

transactions is purely a ministerial act. Further, they alleged that there is good faith in the performance of their public function.

The sole issue now is whether or not the respondents may be held liable administratively for affixing their signatures/approving the aforesaid transactions despite the absence of the Requisition for Supplies and Equipment (RSE) prepared and signed by the end-users of the three (3) service vehicles.

The respondents are liable.

There is a need for a certification/request by the end-user of a service vehicle before any action may be done on the request for repair. Item No. 4, 4.1 of DPWH Department Order No. 33, Series of 1988, on Revised Guidelines for the Procurement of Supplies, Materials, Spare Parts, Equipment, Including Non-Personal Services, dated April 28, 1988, provides:

“4. Emergency Purchase

“4.1 is Emergency purchase shall be allowed only where the need for the supplies, materials, furnitures, equipment, spare parts or repair of an equipment exceptionally urgent or absolutely indispensable to prevent immediate danger to, or loss of life and/or property, or avoid detriment to the public service as certified by the end-user and approved by the higher authorities.”(emphasis supplied)

In addition, Item D, 1.2, 1.4, 1.6 of DPWH Memorandum dated 31 July 1997, on Additional Guidelines Re: Purchase of Spare Parts and Repairs of DPWH Central Office Service Vehicles.

“D. FUNDING REQUIREMENTS

1. Documentation – No claim for payment for the emergency minor/major repair of service vehicles of this Department shall be processed by the Accounting Division, CFMS without strictly following provisions of COA Circular No. 92-389 dated November 3, 1992. The following documentary requirements shall be complied with prior to finding and/or processing of payment, to wit:

1.2 Certification of Emergency Purchase/Repair which shall be signed by the end-user, duly approved by the Head of Office concerned (with the rank higher than Division Chief);

1.4 The Requisition for Supplies or Equipment (RSE) which shall be signed by the end-user, recommended for approval and duly approved by the official concerned, in accordance with the existing delegation of authorities;

1.6 Certificate of Acceptance which shall be signed by the end user of said vehicle. All documents under accounting and auditing rules and regulations, shall be signed by the official and/or supplier concerned over their respective printed names.” (emphasis supplied)

It is clear from the aforequoted that the signature and the request, by the end-user of the vehicle to be repaired, are conditions sine qua non, absence of which cannot be dispensed with and thus, no transaction shall prosper in its absence.

The end-user of the Mercedes Benz, Engr. Chua executed a sworn statement that **“personally I have no actual knowledge on how much was the cost of the repair and whether or not parts replaced were necessary, if parts were actually installed and if actual repairs were undertaken. XXX”** (Sworn Statement, August 19, 2002). Atty. Oflada, the end-user of the Nissan Pick-up, in her affidavit declared, inter alia, **“that during the period covered by the Memorandum Receipt, the vehicle was never turned-over to the BOE for repairs, and for issuance to field offices. XXX”** Lastly, the end-user of Mitsubishi Pajero, Assistant Regional Director Reyes, executed an affidavit that **“I state that I have no personal knowledge on the said documented transactions since I have no participation whatsoever, direct or indirect, in any of the attendant processes of documentation regarding the repairs of the vehicle.”** He continued, **“that I learned the details of the supposed ten (10) repair transactions only upon being furnished photocopies of the accounting records and documents by the office of Atty. Sulaik and to which I state lack of knowledge thereof.”** He even emphasized **“that all the accounting documents and records supporting the supposed repair transactions show that my signature or initial does not appear anywhere therein.”**(emphasis ours)

The allegation that the recommendation for approval and the approval of the RSEs is purely a ministerial act is likewise devoid of merit. A ministerial act is one the discharge of which by the officer concerned is imperative and requires neither judgment nor discretion (Lamb vs. Phipps, 22 Phil 456). The respondents, four Directors and an Assistant Bureau Director are required by the law to exercise their judgment to ascertain if, on the face of the document itself, the same is complete. The aforequoted DPWH D.O No. 33 requires the certification by the end-user that there is need for the emergency purchase of the equipment, spare parts, or repair of an equipment. Likewise, The respondents cannot be unaware of the DPWH Memorandum dated 31 July 1997 which mandates the following documentary requirements (a) for a certification of emergency purchase/repair by the end-user; (b) the RSE prepared and signed by the end-user; and (c) the certificate of acceptance signed by the end-user “prior to funding and/or processing of payment.” The glaring absence of the names and signatures of the end-users of subject service vehicles on the certification, requisition for supplies and equipment and the certificate of acceptance can be seen by the naked eye without the help of a high-powered/magnifying lens. The individual affidavits of the three end-users attesting to the fact that there were no actual repairs done, solidifies the conclusion of fraud against the respondents.

The application of the ruling in the case of Sistoza vs. Desierto, et.al., (G.R. No. 144784, September 3, 2002) to the instant case is misplaced. The Honorable Justice Josue N. Bellosillo said, among others, that:

“Stretching the argument further, if a public officer were to personally examine every single detail, painstakingly trace every step from inception, and investigate the motives of every person

involved in a transaction before affixing his signature as the final approving authority, if only to avoid prosecution, our bureaucracy would end up with public managers doing nothing else but superintending minute details in the acts of their subordinates. XXX”

This must be read in relation to the doctrine of command responsibility. Command responsibility refers to the accountability of all heads of departments and other superior officers to closely, supervise, coordinate, control and monitor the discharge of duties by subordinates. It includes the responsibility to control and monitor the activities of those operating within his area of jurisdiction and to take preventive or corrective measures as may be warranted under the premises, (paragraph 3, Memorandum from the President, dated November 19, 1999, Invoking The Doctrine of Command Responsibility for corruption in Government Offices)(emphasis supplied). The high ranking respondents who have the duty to “closely” supervise, control and monitor the discharge of duties by subordinates cannot shift the blame to their subordinates to escape liability. As heads of their respective offices, they assume full responsibility over all the actions of their subordinates, thus, caution must be employed prior to the approval of any transaction before them.

Furthermore, supervision and control shall include authority to act directly whenever a specific function is entrusted by law or regulation to a subordinate; direct the performance of a duty; restrain the commission of acts; review, approve, reverse or modify acts and decisions of subordinate officials or units; determines priorities in the execution of plans and programs; prescribe standards, guidelines, plans, and programs (Sec. 38(1), chap. 7, Book IV, **Administrative Code of 1987**).

The Honorable Justice added:

“Stated otherwise, in situations of fallible discretion, good faith is nonetheless appreciated when the document relied upon and signed shows no palpable nor patent, nor definite, nor certain defects or when the public officer’s trust and confidence in his subordinates upon whom the duty primarily lies are within parameters of tolerable judgment and permissible margins of error. XXX”

In the present case, the absence of the signature and/or the certification by the end-user in the documents in question is a palpable, patent, definite and certain defect which ordinary prudence cannot ignore.

The defense of good faith shall likewise fail. Good faith refers to a state of the mind which is manifested by the acts of the individual concerned. It consists of the honest intention to abstain from taking an unconscionable and unscrupulous advantage of another (**Abando vs. Lozada**, G.R. No. 82564, October 13, 1989). This state of mind is proven to be lacking if there is a positive act that shows the contrary intention. The positive act referred to is the signing/affixing of their signatures on the recommendation and approval of the documents in question.

The failure of the respondents to exercise their functions diligently have caused undue injury to the government which resulted to the unnecessary wastage and losses in public funds and revenues. The said failure of the respondents is tantamount to neglect. Neglect as applied to public officers “means a failure on his part to do and perform some of the duties of his office” (Words and Phrases, Volume 27, Copyright 1955).

The processing of transactions, beginning from the preparation of the RSEs, to the recommendation, to its approval; Certification of Emergency Purchase/ Repairs; Certificate of Acceptance; Report of Waste Materials; Request for Obligation of Allotment; preparation and approval of disbursement vouchers up to the signing/countersigning of checks in payment for the purported repairs/ replacement of defective spare parts were tainted with manifest partiality, evident bad faith and/or gross inexcusable negligence.

Herein respondents have shown their interest for personal gain as manifested by their acts of recommending, approving, including the signing/ countersigning of checks for the manifestly anomalous transactions covering the purported repairs and/or replacements of defective spare parts of the subject service vehicles. In the case of *Diaz vs. CSC*, these acts are referred to as a form of dishonesty. Dishonesty is a form of conduct which connotes untrustworthiness and lack of integrity, a disposition to lie, cheat, deceive, betray. This censurable conduct assumes a greater meaning when the offender is a public officer who is circumscribed with a heavy burden of responsibility to the public, and whose conduct must, at all times, be impressed with decency, decorum and propriety (CA-G.R. SP No. 40526, November 15, 1996).

The accountability of public officers has been enshrined in Article XI, Section 1 of the 1987 Constitution:

“Section 1. Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency, act with patriotism and justice, and lead modest lives.”

It is the mandate of the Constitution that all public officers and employees must serve with responsibility, integrity, loyalty and efficiency (*De Luna vs. Ricon*, 250 SCRA 1, (1995)). In this case, it has been clearly shown that the respondents did not live up to this constitutional precept. Neither did they faithfully and conscientiously fulfill their sworn duties in accordance with their “**Panunumpa sa Katungkulan**” (Oath of Office), to wit:

“Ako, si _____ na hinirang sa katungkulan bilang _____, ay taimtim na nanunumpa na tutuparin ko nang buong husay at katapatan, sa abot ng aking kakayahan, ang mga tungkulin ng aking kasalukuyang katungkulan at ng iba pang pagkaraan nito’y gagampanan ko sa ilalim ng Republika ng Pilipinas; na aking itataguyod at ipagtatangol ang Saligang Batas ng Pilipinas; na tunay na mananalig at tatalima ako

rito; na susundin ko ang mga batas at mga kautusang legal ng mga sadyang itinakdang may kapangyarihan ng Republika ng Pilipinas; at kusa kong babalikatin ang pananagutang ito nang walang anumang pasubali o hangaring umiwas.” (emphasis supplied)

The quantum of proof necessary for a finding of guilt in administrative cases is only substantial evidence or such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. The evidences against herein respondents are more than adequate to support a conclusion that they are liable as charged.

Premises considered, we find all the respondents guilty of dishonesty, grave misconduct, gross neglect of duty and conduct prejudicial to the best interest of the service.

WHEREFORE, PREMISES CONSIDERED, this Commission finds the respondents Burt B. Favorito, Emily M. Tanquintic, Florendo B. Arias, Oscar D. Abundo, and Abraham S. Divina, Jr. **GUILTY** and so recommends to Her Excellency, President Gloria Macapagal-Arroyo that the penalty of **DISMISSAL** from the service with forfeiture of retirement benefits and perpetual disqualification for reemployment in the government service be imposed.

SO RESOLVED.”

After a careful review of the records of the case, this Office affirms *in toto* the findings of the PAGC and holding respondents Burt B. Favorito, Emily M. Tanquintic, Florendo B. Arias, Oscar D. Abundo, and Abraham S. Divina, Jr., **GUILTY of the charges against them.**

WHEREFORE, in view of the foregoing considerations, and as recommended by the Presidential Anti-Graft Commission (PAGC), the penalty of **DISMISSAL from the service with forfeiture of retirement benefits and perpetual disqualification for reemployment in the government service** are hereby **IMPOSED on BURT B. FAVORITO, EMILY M. TANQUINTIC, FLORENDO B. ARIAS, OSCAR D. ABUNDO, and ABRAHAM S. DIVINA, JR.**

SO ORDERED.

Done in the City of Manila, this 30th day of January, in the year of Our Lord, year two thousand three.

By authority of the President:
(Sgd.) **WALDO Q. FLORES**
Senior Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 58
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON MR. DOMINADOR C.
FERRER, JR., ADMINISTRATOR, INTRAMUROS ADMINISTRATION

This resolves the anonymous letter-complaint dated April 24, 1999, filed before the Presidential Commission Against Graft and Corruption, now the Presidential Anti-Graft Commission (PAGC), against Dominador C. Ferrer, Jr., Administrator, Intramuros Administration (IA), for contracting a loan of money from a person with whom his office has business relations.

The specifications of the charge against the respondent in the letter-complaint dated April 24, 1999, are set forth in the resolution-report of the PCAGC, as follows:

“That in connection with the celebration of the 20th Anniversary of the Intramuros Administration (IA), Mr. April “Boy” Regino was engaged to render a one-hour concert on April 11, 1999, x x x that in order to x x x promote the celebration, x x x three (3) media people were invited to attend x x x the ceremonial contract signing x x x between April “Boy” Regino and the Intramuros Administration, on April 9, 1999 x x x, that after the said press conference, respondent asked Ms. Gloria dela Cruz, x x x secretary-on detail x x x, if she still had a cash advance in her possession and having been answered in the negative, x x x directed Ms. Dela Cruz ‘x x x to borrow the amount of P3,000.00 from x x x Eddie Eugenio x x x to give to certain media people, and that he will repay the same on Monday’; that as directed x x x Ms. Dela Cruz had Mr. Eddie Eugenio, who manages and operates the Fort Santiago Parking Area, called x x x on same day, Mr. Eddie Eugenio personally delivered to Ms. Dela Cruz in the Office of the IA Administrator “the amount of P3,000.00 x x x Ms. Dela Cruz “in turn delivered the same amount to Ms. S. Martinez-Ching, Chief, Tourism Marketing and Promotions Division, who was in the conference room at the time” x x x; that Ms. S. Martinez-Ching, having been “earlier apprised by Ms. Dela Cruz that the aforesaid amount of P3,000.00 was borrowed by Administrator Ferrer from Mr. Eduardo Eugenio x x x” and “in line with the suggestion earlier given to administrator Ferrer by Ms. Cecile Villareal of DOT-OTI, x x x put the amount inside three (3) envelopes at P1,000.00 each and gave each envelope to the three (3) media men who were present during the contract-signing ceremony x x x; and that the following Monday, April 12, 1999, respondent “x x x paid the same amount from his own pocket, in violation of the provisions of Section 22(k), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292, and other pertinent Civil Service Laws and Section 7(d) in relation to Section 11(b) of R.A. No. 6713(1989).

Finding sufficient basis to commence an administrative investigation against Ferrer, the PCAGC, in its Order dated August 18, 1999 required respondent to submit his Counter-Affidavit or Verified Answer, together with the affidavits of his witnesses and other documents in support of his defense.

In his Affidavit dated September 8, 1999, respondent:

“admits x x x in his Memorandum dated March 14, 1999 (sic) x x x that x x x “3 media people attending x x x were paid by the undersigned with his personal funds loaned from a friend” that he was not referring to Mr. Eddie Eugenio when he wrote in his “memorandum to the TMPD Chief that I (sic) paid with my own personal fund the loan secured from a friend for the 3 media people”; that he “did not know about the commitment of the Chief of TMPD to give something to the press people who attended the press conference’ but admits having “told dela Cruz to devise ways by which to meet the obligation, and I (sic) would take charge of it the first hour of the next working day to get out of this problem”” that he denies having instructed Ms. Dela Cruz “to borrow P3,000.00 from Eugenio to be given to the media people. It was her own decision” that he was shocked to learn x x x that the amount of P3,000.00, which was paid to the media people, came from Mr. Eddie Eugenio; that after he “signified” his “ill-sentiment over her borrowing from Eugenio”, respondent “reluctantly give dela Cruz the P3,000.00” and told her to pay Eugenio immediately “because such practice to my mind would make him lose respect to the Administration with which he has a dealing”; and that Mesdames dela Cruz and Martinez-Ching, among other IA officials, have been “harassing” him for the “major shake-up I (sic) initiated in the interest of the service.”

Following an investigation, the PCAGC found respondent guilty and recommended the penalty of dismissal, pertinently stating:

“The only issue to be resolved in the case at bar is whether or not the charge of contracting a loan of money in the amount of P3,000.00 from Mr. Eduardo Eugenio, operator-contractor of the IA Parking Area, by respondent Ferrer, through his Secretary, Ms. Gloria dela Cruz, is a violation of existing x x x laws x x x;

“The prosecution presented two (2) witnesses, namely, Gloria D. dela Cruz and Sandra A. Martinez-Ching, both employees of the Intramuros Administration, in support of the charge against the respondent.”

x x x

x x x

x x x

“x x x dela Cruz declares in her Affidavit (supra) that x x x, respondent directed her to ‘borrow the amount of P3,000.00 from x x x Eugenio explaining that he needed the money to give to certain media people, x x x.

“x x x Martinez-Ching, x x likewise testified for the prosecution, corroborated the declaration of Ms. Gloria dela Cruz x x x

“x x x at the time the loan was obtained, Mr. Eduardo N. Eugenio had an existing Agreement with the Intramuros Administration to ‘operate the parking lot at the NIA Compound Parking area adjacent to Fort Santiago in Intramuros, Manila, x x x. The Letter Agreement, signed and acknowledged on November 21, 1996 by Atty. Karlo Q. Butiong, in his official capacity as the then Administrator of the Intramuros Administration and Mr. Eduardo N. Eugenio, as operator of the IA Parking Area, was for a term ‘commencing on November 30, 1996 to November 29, 1999.’

The testimony of respondent Ferrer stands uncorroborated since no other witness was presented by the defense to testify.

x x x

x x x

x x x

There is absolutely no reason to doubt the declaration of Ms. Gloria dela Cruz x x x since she did not have any ill-motive in giving her testimony or for that matter any direct personal interest to promote or enhance by asking on her own account for the loan from Mr. Eugenio in order to provide incentive to the representatives concerned of the media.

On the other hand, there is every reason to believe or expect that respondent Ferrer had obvious personal interest to promote through media coverage x x x of the one-hour concert rendered by Mr. April “Boy” Regino on April 11, 1999, for which the respondent had earlier justified and paid a 50% downpayment of P29,250.00 on March 23, 1999.

x x x respondent x x x by his own admission in the course of his testimony, readily paid the amount of P3,000.00 to Mr. Eugenio through Ms. Dela Cruz, from his own pocket or personal funds, explaining he wanted to avoid any embarrassment regarding the matter.

Respondent Ferrer is apparently involved in deception when on one hand he denies having instructed Ms. Gloria dela Cruz to borrow P3,000.00 from Mr. Eduardo Eugenio x x x and on the other he admits in his Affidavit x x x, having told Ms. Dela Cruz x x x “to devise ways by which to meet the obligation, x x x.

Respondent Ferrer appears to be less than candid when he denies in his Affidavit x x x that he “did not know about the commitment of the Chief of TMPD to give something to the press people x x x because he himself in his Memorandum x x x admits having paid the said media people from his “personal funds loaned from a friend.”

“In sum, on the basis of the evidence on record x x x respondent is GUILTY of (1) the grave administrative offense of ‘(s)oliciting or accepting directly or indirectly, any x x x loan or x x x any transaction which may be affected by the functions of his office’, which is punishable by Dismissal for the first offense as provided under section 22(k) of Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292, and other pertinent Civil Service laws; and (2) the prohibited act or transaction of soliciting or accepting, ‘directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in the course of their official duties or in connection with

any operation being regulated by, or any transaction, which may be affected by the functions of their office, which is likewise punishable under Section 7(d), in relation to Section 11(b) of Republic Act No. 6713.”

“Although it is undeniable that the questioned act of the respondent in the instant case appears to be an isolated transaction and the amount involved is comparatively small or insignificant, yet it is likewise plain and irrefutable that the Commission is not possessed with any discretion to recommend a penalty other than that of dismissal which is expressly prescribed in the applicable law, Republic Act No. 6713 (1989), which is malum prohibitum.”

The findings and conclusions of the PCAGC, supported as they are by substantive evidence on record, commend themselves for concurrence by this Office. Absent showing of grave abuse of discretion, substantiated findings of administrative agencies acting within their area of competence shall be accorded respect if not finality. So it must be in this case.

WHEREFORE, premises considered, and as recommended by the PCAGC, respondent Dominador C. Ferrer, Jr., Administrator, Intramuros Administration, is hereby found GUILTY and ordered DISMISSED from the service effective upon his receipt hereof.

Done in the City of Manila, this 31st day of January, in the year of Our Lord Two Thousand Three.

By authority of the President:
(Sgd.) WALDO Q. FLORES
Senior Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 59

IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON DR. FERNANDO A. MELENDRES, EXECUTIVE DIRECTOR OF THE LUNG CENTER OF THE PHILIPPINES (LCP), WITH FORFEITURE OF ALL HIS RETIREMENT BENEFITS AND DISQUALIFICATION FROM RE-EMPLOYMENT IN THE GOVERNMENT SERVICE.

Respondent Executive Director Fernando A. Melendres of the Lung Center of the Philippines (LCP) is the subject of a complaint filed by LCP's employees for procurement of presentation banner without public bidding complexed with falsification of public documents; falsification of documents in the hiring of an architectural consultant; violation of auditing rules on the drawing of petty cash advances to circumvent the law on public bidding of infrastructure projects; and unauthorized implementation of the reorganization plan without the required approval of the LCP's Board of Trustees.

The fact-finding committee created by the LCP's Board of Trustees submitted a report finding a *prima facie* case against respondent Executive Director Melendres and recommending the filing of formal charges against him. In turn, the Board of Trustees approved the said finding and recommendation, transmitted the report and the records of the case to this Office, and further recommended to the President the placing of Executive Director Melendres under preventive suspension during the pendency of the investigation against him.

In view of the foregoing and pursuant to Executive Order (E. O.) No. 12 dated April 16, 2001, Executive Secretary Alberto G. Romulo, by authority of the President, issued Administrative Order (A. O.) No. 39 on September 11, 2002 ordering the preventive suspension of respondent Executive Director Melendres for ninety (90) days and directing the Presidential Anti-Graft Commission (PAGC) to conduct a formal administrative inquiry against him for the alleged commission of the aforementioned acts that if true are clearly disadvantageous to the government and violative of Civil Service laws and regulations.

On October 22, 2002, a complaint-affidavit dated October 21, 2002 was filed before the PAGC by LCP's employees, namely, Sullian Sy Naval, Theresa M. Alcantara, Jose Pepito M. Amores, Vincent N. Balanag, Jr., Guillermo G. Barroa, Jr., Rey A. Desales, Norberto A. Francisco, David F. Geollegue, Benilda B. Galvez, Luisito F. Idolor, Victoria C. Idolor, Buenaventura V. Medina, Jr., Newell R. Nacpil, Raoul C. Villarete, and Guillermo Madlang-awa, charging respondent Executive Director Melendres with commission of acts disadvantageous to the government, violations of the Civil Service Rules and Regulations, and incapacity to manage and administer the affairs of LCP.

In its investigation report submitted to this Office on January 9, 2003, PAGC states the charges against respondent Executive Director Melendres as follows:

“I

Procurement of presentation banner without public bidding complexed with falsification of documents.

- 1.1 On the first offense, the respondent procured/purchased a presentation banner without going through canvass as required by law. Respondent chose Luis and Associates (the maker of the presentation banner) as an exclusive distributor without any reason or justification for such. The kind of work required for the presentation banner was not an ultra special work that could only be done by one contractor that might merit the exclusive distributor excuse used by the respondent.
- 1.2 Worse, the respondent tried to cover his tracks by falsifying a certification of canvass. The falsity is shown by the fact that the alleged canvass was made only after the delivery of the presentation banner. The delivery of the banners was made on 27 November 2001 while the purported canvass was done on 03 December 2001.
- 1.3 One of the complainants, Jose Pepito Amore ("AMORES") found the illegal procurement of the presentation banner upon inspection of the documents for the procurement. AMORES is a required signatory for the approval of the procurement. On perusal of the documents, AMORES noticed that the respondent erased his name as a signatory on the disbursement voucher. Looking at the photocopy of the back of the aforementioned voucher, there clearly was an erasure performed by the respondent to override AMORES' authority and preclude AMORES' knowledge of the illegal procurement as well.
- 1.4 There was also a falsification done by the respondent on the purchase order dated 21 December 2001 for the presentation banner. On the carbon copy of the purchase order for the banner, it indicates the procurement method as "CANVASS" in a typeface clearly different from the top. The photocopy of the reverse side of said purchase order clearly indicates the remark "Exclusive Distributor". The respondent, realizing that this work will not qualify as an "exclusive distributor" changed "Exclusive Distributor" to "Canvass".
- 1.5 The respondent is indeed guilty of illegally procuring the presentation banner by conforming to a quotation dated 26 November 2001 by Luis and Associates and received by the respondent on 27 November 2001 nearly a month before the purchase order. Add to that, a statement of account from Luis and Associates dated 05 December 2001 received by the respondent on the same date indicating a bill for a presentation banner already DELIVERED to the LCP. The quotation and statement of account of Luis and Associates were received by the respondent before the purchase order dated 21 December 2001.

II.

Falsification of documents in the hiring of architectural consultant in the person of Architect Federico R. Medina.

- 2.1 There are two (2) Architectural Service Agreements entered into by the respondent for LCP with Architect Federico R. Medina. The first agreement dated 01 June 2000 was for seven month commencing 01 June 2000 to 31 December 2000. This agreement was antedated by the respondent as

evidenced by the fact that the Book Number of the Notary has a correction from “VII to “X”. If said document truly belonged to Book X of the Notary Public, the same would have not included any surplusage “II” needing any correction. Respondent is a signatory to the contract and for such important matter, he cannot invoke ignorance nor pretend not to know the circumstances attending the execution of the document.

2.2 On 31 May 2001, respondent issued Center Order No. 152, s. 2001, extending the services of Architect Medina for the period from 01 June 2001 to 31 December 2001. The second agreement dated 01 January 2001 was for a period of one year commencing 01 January 2001 to 31 December 2001 and was notarized on 30 July 2001. There is an evident irregularity when the two aforementioned documents are read together. Respondent antedated the second agreement.

2.3 Respondent falsified the second agreement when he realized that his Center Order 152 could not legally bind the parties. So, respondent falsified the second agreement to make it appear that the agreement was for the whole year of 2001. What makes the falsification more strikingly evident is that the second agreement was notarized on 30 July 2001. The falsification consists in the falsity of the date of execution, the evident truth being that it was signed and executed on 30 July 2001 and not 01 January 2001.

III.

Violation of auditing rules on the drawing of petty cash advances to circumvent the law on public bidding of infrastructure projects.

3.1 For the construction of the 2nd floor, T-Block building, an infrastructure project of the LCP, the respondent created special petty cash advances through the issuance of several Center Orders. These Center Orders are violations of Section 174 (g) of the Government Accounting and Audit Manual (“GAAM”). The provision reads: “No cash advance shall be granted on account of infrastructure or other undertakings on a project basis”.

3.2 The respondent used these cash advances and special petty cash funds for the constructions of the 2nd floor, T-Block Building in violation of the GAAM. The amounts authorized for special cash funds/cash advances under the abovementioned Center Orders were big or substantial, exceeding the maximum authorized/allowed by pertinent rules and regulations and practice. Under item 4.3.2 of COA Circular #97-092 dated 10 February 1997, it states:

“Payments out of cash advances shall be allowed only for amounts not exceeding P15,000 for each transaction, except when a higher amount is allowed by law and/or with specific authority by the Commission on Audit. Splitting of transactions to avoid exceeding the ceiling amount shall not be allowed.”

It may be noted that the expenditures incurred via the supposed authority granted or provided in the particular Center Order issued by respondent are in large amounts exceeding the P15,000 ceiling as enumerated above.

- 3.3 There is also a violation of the public bidding law in the issuance of the various Center Orders. Under paragraph no. 4.5.1 of Executive Order No. 262 as amended by Executive Order 40, series of 2001, it states:

“For contracts to be bided costing more than One Million Pesos, pre-bid conferences shall be conducted by the government to clarify and/or explain any of the requirements, terms and conditions as specifications stipulated in the bid documents.”

- 3.4 The construction of the 2nd floor of the T-Block Bldg. of the LCP entailed an expenditures of more than one million pesos, thus it should have been subjected to public bidding, which was not done in this case. To avoid or circumvent the above-cited provisions of E. O. 262, as amended by E. O. 40, there was a continual and series releases and utilization of petty cash funds/ cash advances for the construction project. Consequently, the public bidding requirement for big infrastructure projects was violated in this instance.

IV.

Unauthorized implementation of a reorganization plan unapproved by the Board of trustees.

- 4.1 Respondent issued numerous Center Orders during the year 2000 and 2001, which reorganized the organizational setup of LCP, caused the transfer/ movements of employees and created various committees. In doing so, there is no showing that the re-organization/personnel movements are in accordance with Rationalization and Streamlining Plan of the Department of Health (“DOH”) and approved by the Department of Budget and Management (“DBM”), in accordance with Executive Order No. 102, and Malacañang Memorandum Circular No. 62, s. 2000. There was no presentation of any factual or legal basis to justify personnel movements and reorganization.
- 4.2 The respondent had placed hospital staff that he can control at the proper place to conspire with him to carry out anomalous transactions. In Center Order 107-A, S. 2000, the respondents had removed the financial responsibilities of AMORES and conferred them to Albilio C. Cano (“Cano”). What was once under the control of AMORES was now with one of his people. To further his plan to mask his criminal intentions, respondent in Center Order 130-A, S. 2001 gave more financial responsibilities to CANO and another staff close to him, Angeline A. Rojas (“ROJAS”). The responsibility/authority transfer was part of grand scheme to defraud LCP. The respondent placed his people in key positions and they were to directly report to him. The respondent in
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effect abolished the inherent check and balance of the original set-up. The respondent made this reorganization without the required approval of the Board of Trustees (“BOT”) of the LCP.

V.

Unlawful/Excessive Availments of Gasoline Expenses.

- 5.1 The respondent, as Director of the LCP, uses a Toyota Corolla vehicle with Plate No. SEF-760 for his official functions. However, from 21 December 2001 until 03 January 2002 or for 14 days, respondent availed of a total of 181.53 liters of gasoline, valued at Php 3,0001.13. Thus, respondent averaged 12.96 liters each day within the 14-day period, or Php 214.36 per day. However, the averages become more suspicious considering the intervening holidays from 21 December 2001 to 03 January 2002, where respondent is not expected to utilize the aforesaid vehicle or the usage thereof is unlikely.
- 5.2 In respondent’s availment of the gasoline used, he never submitted any trip ticket to support that indeed trips made during the holiday period were official businesses. This action is in disregard of the usual procedures of the LCP.

VI.

Payment of the Cellular Phone Bills of Respondent using LCP funds.

- 6.1 Respondent used funds of the LCP to pay for his cellular phone bills. There is no indication that all the calls made were for government related purposes. The phone bill of the respondent for the period of 13 June 2001 to 12 July 2001 shows current charges totaling P1,331.00. The respondent has used LCP funds to pay for his personal calls through disbursement supported by voucher no. 0108-107 dated 13 August 2001. The respondent did it a second time for his phone bill for the period 13 July 2001 to 12 August 2001 with current charges of P1,410.99. The respondent likewise had his personal bills paid with LCP funds [as] evidenced by voucher no. 0109-012 dated 03 September 2001. Telephone Number (02) 284-1479 repeatedly appeared in Globe Phone Bill, which is the Phone Number of Ms. Gigi Lorenzo, his alleged mistress.

VII.

Awarding if Contract of Lease for Respondent’s own and direct benefit.

- 7.1 Respondent, on behalf of the LCP, executed a Contract of Lease dated 01 February 2002, wherein he accorded to himself the privilege to lease a room at LCP’s Doctor’s Clinic, to the prejudice of the government and demoralization of the physicians who have been unjustly denied the privilege of engaging in the private practice of medicine.

7.2 Worse, respondent committed another falsification when he signed the same supposedly in the presence of complainant AMORES, CANO and Atty. Natividad Ramos who were not truly present, as evidenced by the Contract which AMORES photocopied from the original on the date he signed the document.

VIII.

Unlawful Award of the Sports Consultant Services Agreement.

8.1 Respondent, again, on behalf of the LCP entered into a Sports Consultant Services Agreement with a certain Mr. Godfrey S. Monsod. There in is no justification that LCP absolutely needs the services of such a consultant. Moreover, there is no showing whatsoever that respondent was authorized to secure the services of such consultant. Worse, there is no indication that Mr. Monsod is best qualified to be such a consultant and if his fee is reasonable under the circumstances. At present, Mr. Monsod is visible organizing rallies for Dr. Melendres' cause, obviously [a function] not detailed in his original job description.

IX.

Issuance of Center Order No. 155-A, S. 2001.

9.1 In Center Order No. 155-A, S. 2001, respondent without basis in law, skirted the public bidding requirement for purchases or acquisitions of "unit or systems" valued in excess of P1,000,000.00. Apart from being vague and easily subject to circumvention of the requirements of public bidding, there in no reasonable basis for the aforesaid Center Order. Simply put, the memorandum paves the way for the acquisition of a "system" which may consist of various independent components, where each component may be valued for less than P1,000,000.00 thus exempting and circumventing, an otherwise purchase totally exceeding P1,000,000.00 from public bidding.

X.

Issuance of Center Order No. 55, S. 2000.

10.1 Center Order No. 55, s. 2000, dated 14 April 2000, respondent granted Representation and Transportation Allowances ("RATA") to Dr. Roberto Montevirgen, who was then designated temporarily as officer-in-charge of the Pharmacy. However, respondent caused the payment of the RATA as early as March 2000, or before the actual appointment. Worse, RATA was paid to Ms. Basobas, being the Chief Pharmacist. Thus, RATA was paid twice to the "Head of the Pharmacy Division", one to the designated

Officer-in-charge, Dr. Roberto Montevirgen and one to the Plantilla Chief Pharmacist, Ms. Heidi Basobas.

XI.

Multiple Demotions of Complainant Jose Pepito Amores.

- 11.1 On 12 July 2001, respondent created a new organization set-up, through Center Order 255, S. 2001, wherein he created the five (5) services namely: 1) Administrative and Ancillary; 2) Finance; 3) Medical; 4) Nursing; and 5) Corporate Services, which are headed by five (5) persons/Deputy Director. As already stated, the new organizational set-up was not approved by the DOH and the DBM in violation of E. O. No. 102 and Malacañang M. C. No. 62, s. 2000.
- 11.2 On the other hand, the DBM approved an organizational set-up of LCP with two (2) services under two (2) Deputy Directors, Namely: 1) Medical Services and 2) Hospital Support Services. With Center Order No. 255, S. 2001, complainant AMORES was demoted both in rank and function. Otherwise stated, other personnel were promoted to the same level positions of Deputy Director AMORES without any indication that proper deliberations were conducted or government approvals secured. It must be further stressed that AMORES' appointment as Deputy Director included specific functions attendant to said position.
- 11.3 However, with the aforesaid Center Order, it is manifest in the structural diagram that in implementing the said Order, the Nursing Service and Finance Service (Accounting, Budget, Billing, Credit and Collection) were removed from the supervision of the Office of the Deputy Director for Hospital Support Services. Worse, respondent's Center Order No. 107-A, S. 2000, removed from AMORES the supervision over the following divisions: 1) Budget and Accountancy; 2) Billing and Medicare; 3) Cash; 4) Pharmacy; 5) Procurement, Property and Supply Division, all in violation of the DBM approved set-up. Prior thereto in Center Order 55, S. 2000, respondent placed the Pharmacy Division under the supervision of the Deputy Director for Medical Services, in violation of the DBM approved set-up.
- 11.4 In respondent's Memorandum No. 12-A. S. 2000, he [AMORES] was removed as member of the Executive and Finance Committee. The entire foregoing is in derogation of the responsibilities and functions detailed to complainant AMORES' appointment. The position of Deputy Director for Hospital Services became in reality a futile position. While the plantilla position of Deputy Director could not be taken away from Dr. Amores legally, he became a titular hear without function and power. Worse, no explanation was forwarded to him in person or in writing except for the successive diminution of functions. Thus, all the foregoing constitutes acts of multiple demotion as well as humiliation.

XII

Questionable Appointment.

- 12.1 Respondent appointed Doctors Dina B. Barroa, Jr., Camilo C. Pada, and Joseph Leonardo Z. Obusan to their current positions in the absence of any: 1) announced vacancy in the plantilla positions to which the aforesaid persons were appointed; 2) list of applicants to the said positions; and 3) deliberations from LCP's Medical Staff Accreditation Committee.
- 12.2 After the appointment of complainant Barroa, respondents issued a letter dated 12 March 2002 terminating complainant Barroa's services for the simple reason that his temporary appointment expired despite complainant's Barroa's long years of service and permanent status prior to his temporary designation. Moreover, complainant Desales' transfer as head of Thoracic Surgery and Anesthesia Department, to head of Out-Patient Department constitute a demotion in function, as the same was done without factual basis. Appointments are whimsical and even glaringly violate the rules for selection of such key positions in the Corporation.

XIII.

Undue discrimination in the grant of the privilege to the practice of medicine and in other instances.

- 13.1 Respondent issued Memoranda Nos. 01-A and 2, s. 2002 prohibiting full time salaried physician of the LCP from conduction private clinics during office hours without specific permission from him or from the Secretary of Health. Office hours are from 8:00 am to 5:00 pm Monday to Friday.
- 13.2 The aforementioned memorandum clearly disregards and violated the VERY ESSENCE of the Administration Order 172, s. 2001, 2nd paragraph [of] which states...

“As an incentive and in recognition for (sic) their commitment to remain as members of [the] hospital staff for a longer period [and] for continuous improvement of the health care delivery service of the faculty, PRIVATE PRACTICE is allowed.”

The instantaneous curtailment of privileges of the selected doctors was without reason, when since time immemorial, private practice was allowed and contracts to use facilities of the hospital for said private practice were given out. Discrimination was evident as private practice was ALLOWED to a number of FULL TIME physicians (Montevirgen, Diaz, Pada, Mendoza, among others) who have not complained against the respondent.

- 13.3 AMORES requested from respondent that he be allowed to engaged (sic) in private practice within LCP. Respondent had not acted on said request.

At the same time, respondent has granted Doctors Dina V. Diaz, Jaime M. Mendoza, Roberto M. Montevirgen, Camilo C. Pada, the privilege to engage in private practice during office hours from 3:00pm to 5:00pm, even during weekdays, as evidenced by the Contract of Lease for the rooms for [the] use of the aforementioned doctors.

- 13.4 Worse, as already stated in paragraph 7 of this complaint, respondent granted unto himself the right to lease a room thereby promoting his interest over and above his colleagues, to the detriment of the service.
- 13.5 The discriminatory conduct of respondent is all too manifest that complainants herein had to seek the intervention of the Honorable Secretary of Health Manuel Dayrit in order to facilitate/grant their request to be allowed to the private practice of medicine. Respondent has gone to the extent of posting the name of the complainants in public and has barred access to the doctor's office for the most trivial of reasons causing humiliation and undue moral damage to some of the complaints.

XIV.

Pending cases with the Ombudsman.

- 14.1 The respondent has several cases pending with the Office of the Ombudsman regarding the act[s] in relation to his Office, which have been deemed criminal. The table below is a list of the pending cases: (Note: These cases are not part of this complaint but are mentioned here to show poor governance and irregular/anomalous acts of the respondent.)

Complainant	Case No.	Offense
Amores, et al	CC-02-0428-G	Malversation and falsification
Amores	CC-02-0567-1	Illegal Procurement
Genoveva Hipol	CA-02-0076-C	Pending Administrative Adjudication
Genoveva Hipol	CA-02-0077-C	Pending Administrative Adjudication
Guillermo Madlang Awa	CA-02-0078-C	Pending Administrative Adjudication
Guillermo Madlang Awa	CC-02-0113-C	Pending Investigation
Guillermo Madlang Awa	CC-02-0887-C	Pending Administrative Adjudication

XV.

Immorality.

- 15.1 The respondent does not only have criminal intentions, he is immoral as well. The respondent is legally married to Dr. Eufrocenia Angeles-Melendres. While his marriage still subsided, the respondent has sired a child with his mistress, a Gigi Facundo Lorenzo, a former LCP nurse who has been living with the respondent in his house at Antipolo. A government officer and being a head of an important institution like the LCP should be a role model and a responsible citizen. Yet, the respondent has been the opposite. Attached, as

Annex “HH” is a copy of the NSO certified birth certificate of a Ma. Victoria Facundo Lorenzo born on 11 appointed relatives of his current mistress, Ms. Gigi Lorenzo. To name a few:

- a) Mr. Leonardo Lorenzo – brother of Ms. Lorenzo, assigned to the Dietary Department;
- b) Ms. Shirley Bautista-Lorenzo – wife of Leonardo, assigned to the Dietary Department; and
- c) Ms. Daisy Lorenzo – sister-in-law of Ms. Gigi Lorenzo, assigned to the cashier.

XVI.

Drug Abuse (DEMEROL)

- 16.1 The respondent aside from being anomalous in his way of leadership and immoral in his personal life is also a drug dependent abusing the drug DEMEROL. He has coerced complaint-doctors, Dr. Idolor and Dr. Alcantara to issue prescriptions for the aforementioned drug way beyond the normal therapeutic limit. The respondent has admitted using the drug and undergoing detoxification for it during the DOH Fact Finding Committee hearings.
- 16.2 Attached as Annex “II” is an affidavit of one Teofilio Guevarra, a driver employed at the LCP. The affiant attested to the fact that he assisted on (sic) the respondent in injecting the drug demerol into his arm. Also attached as Annex “JJ”, is a handwritten note by Dr. Nelia Cortes Maramba. Dr. Maramba was asked during the hearings of the Fact Finding Committee of the DOH investigation [of] the respondent to write what drug the respondent abused in the detoxification process of the respondent (sic).”

Finding sufficient basis to commence an administrative investigation, PAGC issued an order, dated November 8, 2002, requiring respondent Executive Director Melendres to file his counter-affidavit or verified answer to the complaint within a non-extendible period of ten (10) days from receipt thereof.

On November 18, 2002, respondent Executive Director Melendres filed the required counter-affidavit together with the entry of appearance of his counsel, Atty. Augusto M. Macam, in the PAGC. Relevant portions of the said counter-affidavit are quoted by PAGC in its investigation report as follows:

- A. “On the procurement of presentation banner without public bidding complexed with falsification of documents.

The banner in question was to be used during the inauguration of a Lung Center building. The upper portion was a painted picture of the President and immediately below the picture were the following words:

“Flagship project of Her Excellency President Gloria Macapagal Arroyo with loving concern for the Filipino people.”

Below these words was the painted picture of the Lung Center.

The mode of the procurement was originally a negotiated contract. The justification for the negotiation was in accordance with Rule 35.1.5(c) of the Implementing Rules and Regulations (IRR) of E.O. 40 s. 2001, which read:

“Whenever the goods are to be used in connection with a project or activity which cannot be delayed without detriment to the public service.”

Owing to the unfamiliarity of procurement officials on the various modes of procurement prescribed by said E.O. 40, which was promulgated only in 2001, the mode of procurement was stated in Purchase Order (PO) as “Exclusive Distributor”, referring to the supplier of the banner and had the same inadvertently approved. Upon the advice of more knowledgeable officials on the new procurement law (E.O. 40), that exclusive distributorship was not appropriate to justify the negotiated procurement of the banner and aware that the thrust of audit of the Commission on Audit (for brevity, “COA”) is invariably on the reasonableness of price rather than on the mode of procurement, I ordered a canvass of the price of the banner even after it had been delivered and accepted with the intention of requesting the dealer to reduce its price in the event that the same is found to be high.

It turned out however that the result of the canvass showed that said dealer’s price of P15,000.00 was the lowest. (Please see attached canvass sheets) Hence the inapplicable mode of procurement of “Exclusive Distributor” had to be changed to “Canvass” not only to rectify the error committed by less-knowing procurement officials but also to conform with (sic) the reasonableness of price that had been established through canvass. Implicit in this, I was likewise advised by the same more knowledgeable officials that pursuant to Rule 35.1.2(b) of the IRR, *supra*, exclusive distributorship is not one of the alternative modes of procurement. It is merely one of the justifying factors whenever the Director (sic) Contracting Mode of procurement is availed of.

- B. On the Falsification of documents in the hiring of architectural consultant in the person of Architect Federico R. Medina.

Under Lung Center Order No. 152, s. 2001, the approved hiring of an Architect-Consultant was clearly indicated thereon. Because of the urgent need for his technical services, said consultant started to render services even before a formal contract of service was entered into with him although the meeting of the minds which is an essential requisite of a contract had, at that point in time, already been reached. To support the claim of said consultant for actual services rendered, the written contract had to be dated as of the date when said services were started to be rendered. Otherwise, a grave injustice would

have been committed to him in the form of unjust enrichment, which verily is not sanctioned by law. Needless to say, our laws are replete with jurisprudence recognizing payment based on quantum meruit.

- C. On the violation of auditing rules on drawing of petty cash advances to circumvent the law on public bidding of infrastructure projects.

The construction of projects for which cash advances were drawn for the purpose was undertaken through administration. By administration, it means that no contractor who provides for labor and materials [is] involved because the project are (sic) accomplished, using only organic manpower of the hospital. This scheme is not only legal; it is very much advantageous to the government. Hence, the need to resort to drawing of cash advances to facilitate the payment of supplies/materials at a much cheaper cost because of their being paid on a cash basis was undertaken. (sic) There is no such dispute that dealers demand higher prices when the transaction is on a charged basis owing to the cost of money and other overhead cost as a result of a transaction on a credit basis. (sic) Verily, the savings derived from undertaking projects by administration is by no means negligible.

Section 174 (g) of the Government Accounting and Auditing Manual (GAAM) was cited by the complainants as prohibiting cash advance on account of infrastructure project. The GAAM was issued by COA through its Circular No. 91-368, December 19, 1998, which is embodied on the third page of the Manual. This prohibition has already been deleted in its subsequent Circular No. 97-002, dated February 10, 1997. The repealing clause of said Circular reads: “all Circulars, Memoranda, Rules and Regulations and other issuances inconsistent herewith, are hereby repealed, amended or modified accordingly”. *Res Ipsa Loquitur* likewise implicit (sic). Implicit in this, is that GAAM was neither published in an official gazette nor in a newspaper in (sic) a general circulation. As such, its enforceability is questionable following the doctrine enunciated in *Canda vs. Tuvera*, 146 SCRA 453, 454 and in *De Jesus vs. COA*, G.R. No. 109023, dated August 30, 1998.

Respondent Melendres wishes to stress that most of the invoices in support of the procurement out of the cash advances for a particular project did not exceed the P15,000.00 ceiling set by COA Circular No. 97-002, *supra*. It is possible though that some invoices paid out of said cash advances may have exceeded the ceiling. But the same was done in good faith, consistent as it was, in the interest of economy and efficiency as purchased discounts were definitely bigger with the volume of order[ed] materials increasing over time. A copy of the Summary of Construction Materials out of the petty cash advances is hereto attached and marked as Annex “5” and made integral part thereof.

Such alternatives was (sic) much better than splitting the requisition to avoid exceeding the ceiling which according to COA Decision No. 2404, dated

December 22, 1989, copy attached, is a transaction that must be disallowed in audit. If, indeed, there were invoices paid out of cash advances exceeding the ceiling, it is (sic) merely a subject of an audit suspension that would require us to justify or to secure a belated authority from COA, which we failed to secure before hand through oversight. When and if the auditor who is supposed to be guided by the dictates of economy and efficiency in carrying out her quasi-judicial function, issues a notice of Audit Suspension requiring us to serve a specific authority from COA, we would be willing to comply with such requirement. Meantime, that said notice has not been issued, it would be premature for the Honorable Commission to take cognizance on (sic) this particular allegation by the complainants.

- D. On the unauthorized implementation of reorganization plan unapproved by the Board of Trustees.

Respondent Melendres denies having reorganized the Lung Center. What I did was to issue reassignment orders to some personnel in the interest of the service. Such reassignment is very much allowed by Civil Service laws and regulations for as long as there is no demotion involved. As held by the Supreme Court in *Fernando vs. Sto. Tomas*, 234 SCRA 346, a reassignment in good faith in the interest of the service is not demotion in duties, responsibilities, status, or rank because demotion presupposes the issuance of an appointment. In the case before this Honorable Commission, such appointment manifesting any demotion is wanting. Besides, personnel who were reassigned have not exhausted administrative remedies by appealing their reassignment with the Civil Service Commission.

- E. On the Unlawful/Excessive availments of gasoline expenses.

Under COA Circular No. 85-55 s. 1985 what is excessive or extravagant is situational and is subject to be evaluated, determined and if warranted by circumstances, disallowed in audit by the auditor. If and when any notice to that effect is issued to us, we should be ready to justify any allegation of excessive consumption of gasoline, etc. Again, it is premature for the complainants to raise the issue at this stage.

**CONSOLIDATED ANSWER AND COMMENT TO THE
REST OF THE ALLEGE (sic) OFFENSES COMMITTED
BY RESPONDENT HEREIN (by way of Affidavit)**

- F. On the Payment of the Cellular Phone Bills of Respondent using LCP funds
G. On the awarding of a Contract of Lease for respondent's own and direct benefit
H. For unlawful award of the Sports Consultant Services Agreement
I. On the issuance of Center Order No. 155-A, s. 2001
J. On the issuance of Center Order No. 55, s. 2000
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- K. On the multiple demotions of complainant Jose Pepito Amores
- L. On the questionable appointments
- M. On the undue discrimination in the grant of the privilege to the private practice of medicine and in other instances
- N. On the pending cases with the Ombudsman
- O. On the immorality issue
- P. On Drug abuse issue

The foregoing allege (sic) offenses committed by respondent herein (except item N) had been the subject of an exhaustive report and findings of the Committee which undertook a fact-finding inquiry during the marathon hearing conducted at the Lung Center pursuant to the Order of the Secretary of Health in Department Order No. 119, series of 2002, dated March 22, 2002, *supra*.

Respondent Melendres herein submitted his affirmative defense during the investigation in respect of the above charges and the Committee submitted its Report and findings of its investigation to the Secretary of Health on June 28, 2002 (Annex “2”, *supra*), which the respondent is incorporating, the same way of reference (sic).

Respondent Melendres requested for a complete copy of Transcript of Stenographic Notes during the Fact-Finding Investigation conducted on the complaint against Dr. Fernando A. Melendres but was advised that the Committee never took stenographic notes of the proceedings as it lacked the skilled manpower to do so, stating its reason that, pursuant to Civil Service Rules, a stenographic transcription is not necessary in formal investigation much more in a Fact-Finding investigation such as that we had conducted. A copy of the letter of the Committee Chairman is hereto attached and marked as Annex “6” and made integral part hereof.

In any event, respondent Melendres is still in [the] process of completing the review of all the documents submitted by both the complainants and the respondent, including the tape recording of the proceedings and the sworn testimonies given by the witnesses during the investigation.

Conformably, a reservation to submit a supplemental counter affidavit is hereby put on record should the notes be made available after the completion of the review and evaluation of the proceedings of the Committee Investigator to insure that respondent Melendres may be able to present in more details his defenses within the time frame required by this Honorable Commission.”

On November 11, 2002, dissatisfied with respondent Executive Director Melendres’ counter-affidavit, PAGC ordered the setting of the preliminary conference of the case on November 21, 2002 at 10:00 o’clock in the morning.

During the scheduled preliminary conference, complainants were given three (3) days or until November 25, 2002 to submit their reply to the counter-affidavit of the respondent if they deemed

it necessary. Respondent was, in turn, given three (3) days or until November 28, 2002 to submit his rejoinder to the reply, if there is any. Thereafter, PAGC scheduled the continuation of the preliminary conference on November 28, 2002 at 3:00 o'clock in the afternoon.

Complainants did not file any reply to respondent's counter-affidavit. Consequently, during the continuation of the scheduled preliminary conference, the parties were directed by PAGC to submit their respective position paper within five (5) days from November 29, 2002, or until December 4, 2002. PAGC informed the parties that on the basis of the records and the submitted position papers, the case shall be deemed submitted for resolution.

Subsequently, respondent Executive Director Melendres filed with the PAGC a motion for formal hearing and a motion for inhibition, both dated November 29, 2002. In response, PAGC issued an order dated December 3, 2002, denying for lack of merit the said motions, thus:

“The respondent, in the above-entitled case has been afforded due process through an Order requiring him to file his Counter-Affidavit/Answer to the Complaint and the opportunity to be heard through an Order setting the case for a Preliminary Hearing.

Be it noted that due process, as a constitutional precept does not always and in all situations, requires trial-type proceedings. The essence of due process is to be found in the reasonable opportunity to be heard and to submit any evidence one may have in support of one's defense. “To be heard” does not only mean verbal arguments in court. One may be heard also through pleadings. Where opportunity to be heard, either through oral arguments or pleadings, is accorded, there is no denial of procedural due process. (Stronghold Ins. Co. vs. Court of Appeals, 205 SCRA 605).

The above-entitled case has already been submitted for Resolution on the basis of the pleadings and Position Papers to be submitted not later than December 4, 2002.

Whereas, the Motion for Inhibition is moot and academic since the case is already submitted for Resolution.

WHEREFORE, premises considered, the Motion (For Formal Hearing and/or Investigation) and the Motion for Inhibition are hereby DENIED for lack of merit.”

On December 4, 2002, complainants filed with PAGC their position paper. Respondent Executive Director Melendres, however, failed to submit his position paper as required by the order dated November 28, 2002.

In its investigation report, PAGC states the pertinent issues of the case and its findings and recommendations thereon as follows:

- “1.) Whether or not Executive Director Dr. Fernando A. Melendres has caused undue injury to the Lung Center of the Philippines, including the Government, in the procurement of the presentation banner without public bidding complex with falsification of documents.
 - 2.) Whether or not Executive Director Dr. Fernando A. Melendres has accused prejudice and undue injury to the government when the Contract of Lease dated February 1, 2002 was awarded to him whereby he was accorded the privilege to
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lease a room at the LCP's Doctor's Clinic which he used in the private practice of his profession of medicine.

- 3.) Whether or not Executive Director Dr. Fernando A. Melendres has unlawfully entered into the Sports Consultant Services Agreement with Mr. Godfrey S. Monsod to the prejudice of the government.
- 4.) Whether or not Executive Director Dr. Fernando A. Melendres is arbitrary in the granting and denying [of] the privilege to some doctors to engage in private practice of medicine, thereby causing undue injury to the parties.
- 5.) Whether or not executive Director Dr. Fernando A. Melendres has committed falsification of documents in the hiring of architectural consultant in the person of Architect Federico R. Medina thereby caused (sic) non-professionalism, dishonesty and grave misconduct.
- 6.) Whether or not Executive Director Dr. Fernando A. Melendres has implemented without authority a reorganized plan which is unapproved by the Board of Trustees, thereby committing grave abuse of authority that [is] tantamount to non-professionalism, serious misconduct and a conduct which is prejudicial to the best of (sic) interest of the service.
- 7.) Whether or not Executive Director Dr. Fernando A. Melendres has made questionable appointments and demoted several times the complainant Jose Pepito Amores, to the prejudice of the parties concerned and which constitutes (sic) non-professionalism and a conduct that is prejudicial to the best interest of the service.
- 8.) Whether or not Executive Director Dr. Fernando A. Melendres has committed immorality by living together with a woman [who is] not his legal wife and having a child with her, thereby showing unjustness, insincerity, and a disgraceful and immoral conduct.

DISCUSSION

AS TO THE FIRST ISSUE:

Whether or not Executive Director Dr. Fernando A. Melendres has caused undue injury to the Lung Center of the Philippines, including the Government, in the procurement of the presentation banner without public bidding complex with falsification of documents.

The procurement and/or purchase of the presentation banner were made without going through the process of the required public bidding.

The contention of respondent Fernando A. Melendres that the commission of Luis and Associates by the Lung Center of the Philippines (LCP) to do the presentation banner did not prejudice the government is of no merit.

Further, the claim of respondent Fernando A. Melendres that the procurement of the presentation banner subject of the instant case is an exception

to the public bidding requirement considering that no other group could have done said undertaking in the least cost, if at all, does not hold any water.

Upon careful perusal and study of the allegations and the documents submitted, it was shown that the said presentation banner merely consisted of the portrait of the President of the Philippines Her Excellency Gloria Macapagal-Arroyo at the top, and with the building landscape supposedly representing the Lung Center of the Philippines at the bottom with the words “Total State of the Art, Peace and Care for every Filipino”.

Such an ordinary conception of work cannot be treated as exclusive one and the brainchild of Luis And Associates for any other commissioned artists could have done it, hence the same cannot be considered as a valid exception to the public bidding requirement.

Under Executive Order No. 301 and Section 365 of the Government Accounting and Auditing Manual (GAAM), Vol. 1, it is so provided that “negotiated purchase are made when the requisitioned articles are sold by an exclusive dealer, publisher, or manufacturer which does not have sub-dealers selling at lower prices and for which no suitable substitutes of the supplies/equipments can be obtained at more advantageous terms to the government, if the same was procured from a sole distributor.”

It is very clear from the above-quoted provision that the procurement of the presentation banner subject of the instant case does not fall within its context and cannot be considered an article that can be acquired only from an exclusive manufacturer or distributor, hence not an exception to the public bidding requirement.

On the other hand, the contention of respondent Fernando A. Melendres that there was no falsification of documents to cover any anomalies thereto is untenable.

The irregularity is evident as shown by the fact that the canvass for the said undertaking was made only after the delivery of the presentation banner. It must be noted that the delivery was made on November 27, 2001, while the purported canvass was done on December 3 and 4, 2001. Glaring is the fact that the canvass was never used as the means or mode to procure the said presentation banner contrary to what has been reflected in the records.

AS TO THE SECOND ISSUE:

Whether or not Executive Director
Dr. Fernando A. Melendres has caused
prejudice and undue injury to the
government when the Contract of
Lease dated February 1, 2002 was
awarded to him whereby he was
accorded the privilege to lease a
room at the LCP's Doctor's Clinic
which he used in the private practice
of his profession of medicine.

Respondent Fernando A. Melendres does not deny the fact that he leased a room at the Lung Center of the Philippines (LCP) Doctor's Clinic, which he used in the private practice of his profession of medicine.

While it is true that respondent Fernando A. Melendres is paying the proper rental fees for the lease of a room at LCP Doctor's Clinic, the fact remains that he is using a government property for his private and professional purpose without the authority from the LCP Board of Trustees, which is prejudicial not only to the government service as a whole but has caused even demoralization to the other physicians.

This is a bad precedence, which accorded a certain privilege to a particular person using the government facilities to his personal advantage and without even the authority from the Board of Trustees.

Respondent Fernando A. Melendres has welded (sic) his influence and power as the Executive Director of the Lung Center of the Philippines, using such power for him to be accorded certain benefits at the expense of the government and the people as well.

Basic is the principle of law that no person is allowed to enrich himself unjustly at the expense of others, more so on the part of the government. (Tan vs. Largo, SP-08417, June 30, 1986)

AS TO THE THIRD ISSUE:

Whether or not Executive Director
Dr. Fernando A. Melendres has
unlawfully entered into the Sports
Consultant Services Agreement with
Mr. Godfrey S. Monsod to the prejudice
of the government.

The allegation that respondent Fernando A. Melendres entered into a Sports Consultant Services Agreement with Mr. Godfrey S. Monsod without the authority to hire and without any justification is without merit.

The fact is that the Executive Committee of the Lung Center of the Philippines is the body that reviewed the qualifications of Mr. Godfrey Monsod and thereafter duly hired him as sports consultant on November 13, 2001.

It is so provided under the By-Laws of the lung Center of the Philippines that the Executive Committee is the body with the recommendatory power to authorize the Executive Director to act. Hence, in entering a contract of consultancy with Mr. Godfrey Monsod, respondent Fernando A. Melendres is cloth with the mantle of authority accorded to him by the Executive Committee.

Such act of respondent Fernando A. Melendres constitutes purely a ministerial act, which an officer performs in a given state of facts, in a prescribed manner, in obedience to the mandate of legal authority, without regard to, or the exercise of his own judgment upon the propriety or impropriety of the act done. (Lamb vs. Phipps, 22 Phil. 489)

AS TO THE FOURTH ISSUE:

**Whether or not Executive Director
Dr. Fernando A. Melendres is arbitrary
in the granting and denying the privilege
to some doctors to engage in private
practice of medicine, thereby causing
undue injury to the parties.**

As to the allegation that respondent Fernando A. Melendres has caused injury to the complainants by arbitrarily denying to them the privilege of engaging in private practice of medicine is not substantiated in fact and in law.

While it is true that there is some discrimination on the part of respondent Fernando A. Melendres in the grant and denial of the privilege to engage [in] the private practice of medicine, the complainants failed to substantiate their claim of injury caused by the said discrimination.

AS TO THE FIFTH ISSUE:

**Whether or not executive Director
Dr. Fernando A. Melendres has
committed falsification of documents
in the hiring of architectural consultant
in the person of Architect
Federico R. Medina thereby caused
(sic) non-professionalism, dishonesty
and grave misconduct.**

In the instant case, there were two (2) Architectural Service Agreements entered into by and between Dr. Fernando A. Melendres for the Lung Center of the Philippines with Architect Federico R. Medina.

The first contract dated June 1, 2000 has the duration of seven (7) months that commenced on June 1, 2000 until December 31, 2000.

Perusal of the documents showed that the same contract was notarized on July 30, 2000 but it was only on July 27, 2001 whereby Dr. Jose Pepito Amores, being a member of the Executive Committee, affixed his initials on it.

As can be gleaned from the documents submitted, it revealed the fact that the Architectural Service Agreement was antedated.

Indeed, falsification of the public document can be adduce therefrom for the fact remains that respondent Fernando A. Melendres is the signatory of the said document, thereby he cannot feign ignorance nor pretend that he knows nothing as to the circumstances surrounding or attending to the execution of the said document.

The second contract dated January 1, 2001 has the duration of one year that commenced on January 1, 2001 until December 31, 2001 and was notarized on July 30, 2001.

Complainant Dr. Jose Pepito Amores affixed his initials on the said second contract under the name of respondent Fernando A. Melendres also on July 27, 2001.

It is observed that complainant Dr. Jose Pepito Amores has initialed the first and second Architectural Service Agreements, which were executed in different dates, on the same date of July 27, 2001.

Thereafter, respondent Fernando A. Melendres on May 31, 2001, issued Center Order No. 152, series of 2001 extending the service of Architect Medina from June 1, 2001 to December 31, 2001.

Careful perusal and study of the documents evidently showed and exposed the irregularity in the execution of the second Architectural Service Agreement.

It must be noted that it is unnecessary for the issuance of Center Order No. 152, series of 2001, which extended the contract of Architect Federico R. Median, for there was nothing to extend in the first place since the duration of the second Architectural Service Agreement dated January 1, 2001 was for a period of one year, that is from January 1, 2001 to December 31, 2001, which also embraced the period covered in the said Center Order.

Following the line of the above-stated reasoning, it can be adduced therefrom that the second Architectural Service Agreement dated January 1, 2001 was not really commenced as of the time of its alleged execution on January 1, 2001 or that the purpose of its execution is only to cover the period from January 1, 2001 to May 31, 2001 and not the whole one-year of 2001.

Evidently, it is a glaring indication that there was falsification committed in the instant case, which consists of the purported execution of the second Architectural Service Agreement.

Worthy to note further that the second Architectural Service Agreement dated January 1, 2001 was notarized only on July 30, 2001 when in fact, in the normal course of things the notarization should have been done on January 1, 2001 or on a date near it.

That is another indication that indeed falsification is committed in the instant case, which consists in the falsity of the date of execution, the evident truth being that it was signed and executed on July 30, 2001 and not on January 1, 2001.

It has also been a matter of procedure and practice that before a signatory affixes his signature to a document, like in the case of a contract, a subordinate who is supposed to have reviewed the document affixes his initials on the same first. In other words, when a subordinate affixes his initials, logically the party-signatory has not yet sign (sic) the subject document. Hence, this fact is indicative of the falsification committed on both the first and second Architectural Service Agreements.

The inevitable conclusion is the two contracts were not actually signed and executed on the dates indicated in those documents as their dates of execution, that is, June 1, 2000 for the first contract, and January 1, 2001 for the second contract.

There was indeed falsification committed by the signatories thereto, not only by the respondent Fernando A. Melendres but that includes complainant Dr. Jose Pepito Amores who must have known the circumstances surrounding the execution of the two contracts.

Respondent Fernando A. Melendres has become a party to such falsification, either by deliberate design or through gross inexcusable negligence, having signed the two Architectural Service Agreements under the prevailing circumstances at that time.

AS TO THE SIXTH ISSUE:

Whether or not Executive Director Dr. Fernando A. Melendres has implemented without authority a reorganization plan which is unapproved by the Board of Trustees, thereby committing grave abuse of authority that [is] tantamount to non-professionalism, serious misconduct and a conduct which is prejudicial to the best of (sic) interest of the service.

Respondent Fernando A. Melendres undertook certain measures for the purpose of effecting improvements and reforms in the LCP by causing the preparation of a reorganization plan or a new organizational structure, which he discussed with the Executive Committee and the Board of Trustees of LCP.

While the Board of Trustees required him to submit a formal proposal for reorganization, no such reorganization plan or new organizational structure was submitted to and approved by the Board.

It must be noted that even before respondent Fernando A. Melendres could submit the required reorganization proposal for the approval of the Board of Trustees, he already started what he called functional reorganization by designation since there was no formal reorganization yet.

In effect, there was movement of personnel in the nature of reassignments and designations as the officials and employees concerned retained their original positions.

Notwithstanding the objective or purpose for which the movement and/or reassignment of personnel was done, the fact remains that there was no clear-cut concept of such movement, whether is it re-engineering or reorganization in the real sense of the word.

Respondent Fernando A. Melendres even admitted that in the latter half of 2001, he used the new or second organizational structure in giving designations to the different physicians of LCP, which was not yet approved by the Board of Trustees.

Hence, it can be gleaned there-from that respondent Fernando A. Melendres committed an indiscreet act and judgment for having conducted, a reorganization sans the required prior approval of the Board of Trustees, despite the fact that there were no demotions involved within the meaning of definition or this term.

AS TO THE SEVENTH ISSUE:

Whether or not Executive Director Dr. Fernando A. Melendres has made questionable appointments and demoted several times the complainant Jose Pepito Amores, to the prejudice of the parties concerned and which constitutes (sic) non-professionalism and a conduct that is prejudicial to the best interest of the service.

Complainant Dr. Jose Pepito Amores in the instant case failed to substantiate his allegation that he was demoted for several times.

While it is true that by the issuance of certain Center Orders by respondent Fernando A. Melendres, some of the functions and duties of complainant Dr. Jose Pepito Amores were diminished, the fact remains that the latter retained his actual position as Deputy Director for Hospital Support Services.

The term “Demotion” as defined under Section 11, Rule VII of the Omnibus Civil Service Rules, promulgated on December 27, 1991, is “the movement from one position to another involving the issuance of an appointment with diminution in duties, responsibilities, status or rank which may or may not involve reduction of salary”.

In the instant case, Dr. Amores was not moved, transferred from one position to another, neither there was an issuance of an appointment for a new position within the context of the above-quoted provision of law.

The fact is complainant Dr. Jose Pepito Amores remained and retained his position as Deputy Director for hospital Support Services.

While certain Center Orders issued by respondent Fernando A. Melendres adversely affected Dr. Amores particularly some of his original functions, nevertheless there was no in fact a demotion of his rank.

The diminution of the functions and responsibilities of complainant Dr. Jose Pepito Amores does not tantamount (sic) to demotion of his actual rank.

AS TO THE EIGHTH ISSUE:

Whether or not Executive Director Dr. Fernando A. Melendres has committed immorality by living together with a woman [who is]

not his legal wife and having a child with her, thereby showing unjustness, insincerity, and disgraceful and immoral conduct.

While it may be true that during his marriage respondent Fernando A. Melendres has sired a child with his mistress, named Gigi Facundo Lorenzo, as evidenced by the attached copy of the National Statistics Office (NSO) certified birth certificate of certain Ma. Victoria Facundo Lorenzo, born on 11 December 1998, whereby the respondent is listed as the father of the child, yet there is no substantial evidence to prove that Melendres and Lorenzo were living together as alleged.

FURTHER DISCUSSION

On the issue that Executive Director Dr. Fernando A. Melendres violated the auditing rules on the drawing of petty cash advances to circumvent the law on public bidding of infrastructure projects:

The issue involves non-observance and/or violation of certain provisions of the Government Accounting Auditing Manual (GAAM), and the rules and regulations of the Commission on Audit (COA).

Hence, it is beyond the jurisdiction of the Commission to resolve such issue that falls squarely within the ambit of another forum like the Commission on Audit (COA).

On the issue that respondent Unlawfully/Excessively availed of gasoline expenses:

The records of the case failed to sufficiently substantiate such allegation.

Moreover, the non-submission of trip tickets pertains to the observance and application of the rules and regulations of the Commission on Audit (COA), which is beyond the jurisdiction of the Commission.

On the issue that respondent used LCP funds in the payment of the personal use of his cellular phone.

The issue pertains to certain benefits and privileges granted by the Board of Trustees to the Directors of Specialty Hospitals like the Lung Center of Philippines, and this also involves Civil Service rules and other pertinent laws granting benefits to government officials and employees for their convenience.

Hence, the determination of the legality of the act is beyond the jurisdiction of the Commission.

On the issue that the issuance of Center Order Nos. 155-A, Series of 2001 and No. 55, Series of 200 were illegal/unlawful:

The issuance of Center Orders is merely an exercise of the ministerial function of the Executive Director of the Lung Center of the Philippines, thus the determination of whether or not such Center Orders are valid or not is beyond the jurisdiction of the Commission.

On the issues that there were pending cases with the ombudsman against the respondent and the alleged drug abuse of Dr. Fernando A. Melendres:

The pending cases against Dr. Fernando A. Melendres before the Office of the Ombudsman are separate and distinct, and cannot in anyway affect the independence of the Commission in the conduct of its formal inquiry.

Finally, to determine whether or not Executive Director Dr. Fernando A. Melendres has been using drugs particularly Demerol is not within the technical expertise, competence and jurisdiction of the Commission.

CONCLUSION

After a thorough perusal of the records of the case and a lengthy discussion, taking into consideration of every detail presented by both parties on the basis of the laws allegedly transgressed thereto, the Commission is of the conclusion that respondent Fernando A. Melendres has committed the following:

First, in the procurement of the presentation of banner without going through the public bidding requirement and even resorted to some falsification of public documents, respondent Fernando A. Melendres has clearly violated Section 3(e) of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices for having caused undue injury to the whole Lung Center of the Philippines (LCP), including the government, and by giving Luis and Associates unwarranted benefits, advantage or preferences in the discharge of his official and administrative functions through manifest partiality, evident bad faith and gross inexcusable negligence.

Respondent Fernando A. Melendres, as a consequence of his actions, failed to perform and discharge his duties with the highest degree or excellence and professionalism as expected of high ranking official, in violation of Section 4 (A) (b) of Republic Act No. 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees.

The act of respondent Fernando A. Melendres in such procurement of presentation banner sans the required public bidding complex (sic) with falsification of documents also constitutes gross misconduct, dishonesty and falsification of official documents, in violation of Section 46(b)(4), (1) and (13), Chapter 6, Subtitle A, Title I, Book V of Executive Order No. 292, otherwise known as the Administrative Code of 1987.

Further, respondent Fernando A. Melendres has transgressed Article 171 of the Revised Penal Code, Falsification of a Public Officer, Employee, or Notary or Ecclesiastic Minister, which specifically provides that “any public officer, employee or notary who, taking advantage of his official position, shall falsify a document by committing any of the following acts: x x x x (6) Making any alteration or intercalation in genuine document which changes its meaning.”

Second, respondent Fernando A. Melendres has caused prejudice and undue injury to the government, in violation of Section 3 (e) of Republic Act No. 3019, when he accorded unto himself the privilege to lease a room at the LCP’s Doctor’s Clinic which he used in the private practice of his profession of medicine.

Taking advantage of his rank and authority to enjoy certain privileges, respondent Fernando A. Melendres failed to uphold the public interest over and above his personal interest as a clear contravention of Section 4 (A) (a) of Republic Act No. 6713.

Further, such act constitutes a conduct prejudicial to the best interest of the service, as enunciated under Section 46 (b) (27), Chapter 6 Subtitle A, Title I, Book V of Executive Order No. 292.

Third, respondent Fernando A. Melendres has committed falsification of documents as can be gleaned from the two (2) Architectural Service Agreements entered into by and between Fernando A. Melendres for the Lung Center of the Philippines, with Architect Federico R. Medina subject of the instant case (sic).

In the case at bar, respondent again violates Article 171 of the Revised Penal Code, Falsification of a Public Officer, Employee or Notary or Ecclesiastic Minister, specifically “x x x x (5) Altering true dates and (6) Making any alteration of intercalation in a genuine document which changes its meaning.”

Further, such actuation of the respondent is a clear manifestation of non-professionalism in contravention of Section 4 (A) (b) of Republic Act No. 6713, and also constitutes dishonesty and gross misconduct, in violation of Section 46 (b) (1) and (4), Chapter 6, Subtitle A, Title I, Book V of Executive Order No. 292.

Finally, respondent Fernando A. Melendres, in implementing and executing a reorganization plan without the authority and approval of the Board of Trustees, has committed thereby grave abuse of authority that [is] tantamount to non-professionalism as enunciated in Section 4 (A) (b) of Republic Act No. 6713, serious misconduct and a conduct which is prejudicial to the best interest of the service, as clearly stated in Section 46, (b) (4) and (27), Chapter 6, Subtitle A, Title I, Book V of Executive Order No. 292.

WHEREFORE, premises considered, this Commission recommends to Her Excellency President Gloria Macapagal-Arroyo the **DISMISSAL FROM THE SERVICE** of the respondent **Dr. Fernando A. Melendres**, with forfeiture of all

his government financial benefits and disqualification to be re-appointed to any position in the government service.”

After a careful review of the records of the case, this Office finds that PAGC’s findings and recommendations as contained in its investigation report are in order.

Preliminary, it must be pointed out that PAGC correctly denied respondent Executive Director Melendres’ motions for a formal hearing and for inhibition. A formal hearing is not a mandatory requirement of due process in administrative proceedings. One may be heard not solely by verbal presentation, but also, and perhaps even many times creditably and practicably than oral argument, through pleadings. Thus, it is enough that the parties are given the opportunity to be heard by means of the submission of pleadings, memoranda and/or position papers (*PAL v. NLRC*, 198 SCRA 748 [1991]; *Concerned Officials of MWSS v. Vasquez*, 240 SCRA 502 [1995]). In fact, aside from counter-affidavit, respondent Executive Director Melendres was also required by PAGC to submit his position paper but he failed to do so. Such failure amounts to a waiver to present additional evidence on his behalf. It is, therefore, puzzling why respondent Executive Director was asking for a full-blown formal hearing when he could not even submit a position paper. Moreover, in his counter-affidavit, respondent Executive Director Melendres admitted that “the same complaint [subject of this case] had already been investigated, reviewed, evaluated, heard, and terminated by the [Fact-Finding] Committee [created by Secretary Manuel M. Dayrit of the Department of Health]” (Counter-Affidavit, p. 25; Records, Folder I, p. 3-4). Thus, one may validly ask why respondent Executive Director Melendres wanted another full-blown investigation. Undoubtedly, the inescapable conclusion that can be made from the filing of the motion for a formal hearing is that respondent Executive Director Melendres was merely buying time by trying to prolong the disposition of the case in order to unduly perpetuate himself as the head of the Lung Center of the Philippines.

On the other hand, the denial of the motion for inhibition against Commissioner Cesar Buenaflor for alleged bias and impartiality is in order considering that the grounds adduced are not grounds for mandatory disqualification or inhibition of judges. Rule 137, Section 1 of the Rules of Court enumerates the grounds for the absolute disqualification of judges, to wit:

“No judge or judicial officer shall sit in every case in which he, or his wife or child, is pecuniarily interested as heir, legatee, creditor, or otherwise, or in which he is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of the civil law, or in which he has been executor, administrator, guardian, trustee or counsel, or in which he has presided in any inferior court when his ruling or decision is the subject of review, without the written consent of all parties in interest, signed by them and entered upon the record.”

This rule enumerates the grounds under which a judge is legally disqualified from sitting in a case, and excludes all other grounds not specified therein (*Velez v. Court of Appeals*, 34 SCRA 109; *Pimentel v. Salonga*, 21 SCRA 160 [1969]). The judge may, however, “in the exercise of his sound discretion, disqualify himself from sitting in a case, for just or valid reasons other than those mentioned above (Rule 173, Section 1, Rules of Court). Hence, the decision to inhibit is left to the sound discretion of the judge himself. No one has the right to supplant the exercise of such discretion provided the exercise of the same is devoid of grave abuse.

As correctly found by PAGC, respondent Executive Director Melendres is guilty of illegal procurement of presentation banner complexed with falsification of public documents, taking advantage of his position to accord unto himself the privilege to lease a room at the LCP's Doctor's Clinic in order to engage in the private practice of medicine without the approval from LCP's Board of Trustees, falsification of documents in the execution of two (2) Architectural Service Agreements, and implementation of a reorganization plan without authorization from LCP's Board of Trustees. Noteworthy is the fact that each of these offenses is considered a grave offense meriting the supreme penalty of dismissal from the service considering that the said offenses involve dishonesty, grave misconduct, and falsification of documents.

Section 22 of Rule XIV of the Omnibus Rules Implementing Book V of Executive Order (E. O.) No. 292, otherwise known as the *Administrative Code of 1987*, states that dishonesty, grave misconduct, and falsification of official documents are grave offenses with the corresponding individual penalty of dismissal from the service even if the respondent committed the same for the first time. This is so because the policy of the State is to promote a high standard of ethics in the public service wherein public officials and employees should at all times be accountable to the people and should discharge their duties with utmost responsibility, integrity, and competence (Section 2, Republic Act No. 6713). Respondent Executive Director Melendres unmistakably breached this State policy.

In fact, the nature and the totality of respondent Executive Director Melendres' commission of the aforementioned offenses make him notoriously undesirable to remain in the public service. Appropriately, the penalty of dismissal from the service that is hereby imposed on respondent Executive Director Melendres carries with it the cancellation of his eligibility, the forfeiture of his leave credits and retirement benefits, and the disqualification from re-employment in the government service in the future pursuant to Section 9 Rule XIV of the Omnibus Rules Implementing Book V of the *Administrative Code of 1987*.

WHEREFORE, as recommended by the Presidential Anti-Graft Commission, respondent Executive Director **FERNANDO A. MELENDRES** is hereby **DISMISSED FROM THE SERVICE**, with forfeiture of his leave credits and retirement benefits, and disqualification from re-employment in the government service, effective immediately upon receipt of this order.

SO ORDERED.

Done in the City of Manila, this 4th day of February, in the year of our Lord, year two thousand and three.

By authority of the President:
(Sgd.) **MANUEL B. GAITE**
Acting Deputy Executive Secretary
for Legal Affairs

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 60

IMPOSING UPON ASSISTANT CITY PROSECUTOR BEN DE LA CRUZ OF THE OFFICE OF THE CITY PROSECUTOR OF QUEZON CITY THE PENALTY OF ONE (1) YEAR SUSPENSION WITHOUT PAY FOR GROSS NEGLECT OF DUTY, INEFFICIENCY, INCOMPETENCE IN THE PERFORMANCE OF OFFICIAL FUNCTIONS AND VIOLATIONS OF DEPARTMENT OF JUSTICE (DOJ) ORDERS NO. 49, SERIES OF 1993 AND NO. 9, SERIES OF 1998.

This has reference to the administrative complaints against Assistant City Prosecutor Ben de la Cruz of the Office of the City Prosecutor of Quezon City in ADM Case No. 98-005-A-FS for neglect of duty and violation of DOJ Order No. 49, series of 1993, as amended, and ADM. Case No. 99-0056-FS for gross neglect of duty, inefficiency and incompetence in the performance of official functions. The Secretary of Justice found respondent prosecutor liable of said charges and recommended, in his letter of October 12, 2001, the suspension of the latter for one (1) year without pay.

I. ADM. Case No. 98-005-A-FS

This a complaint filed by former City Prosecutor Candido V. Rivera of the Office of the City Prosecutor, Quezon City, for neglect of duty and violation of Department Order No. 49, series of 1993, as amended, against respondent. It stemmed from his failure to resolve seventy-six (76) cases assigned to him for preliminary investigation within the prescribed sixty (60)-day period.

During the evaluation stage of this case, respondent was required to submit his comment/answer to the charge but he failed to do so even while his request for extension of time was granted. He likewise did not submit his answer to the formal charge or attend the scheduled hearing of this case despite receipt of a copy of the administrative charge and notice of hearing. Thus, this case was resolved on the basis of the evidence presented by the complainant.

We find respondent prosecutor liable for neglect of duty and for having violated DOJ Order No. 49, series of 1993, as amended.

The inventory by the Office of the City Prosecutor of Quezon City in April 1997 of the cases assigned to respondent for preliminary investigation reveals that he failed to resolve the seventy-six (76) cases that were assigned to him. This includes the two cases that were assigned to him as early as December 28, 1994 and June 2, 1995.

Respondent obviously disregarded the rules in the conduct of preliminary investigations as provided for under Section 3, Rule 112 of the Revised Rules on Criminal Procedure. He also violated DOJ Order No. 49, series of 1993, as amended, which requires at that time prosecutors in the National Prosecution Service to resolve the preliminary investigation of cases within sixty (60) days from the date of assignment.

This Office has consistently impressed upon the prosecutors the need to decide cases promptly and expeditiously under the time-honored precept that justice delayed is justice denied. The prosecutors, being the paradigm of justice in the final instance, are exhorted to dispose of their cases within the

required period. Any delay and inaction in the disposition of cases can easily cause great injustice. It also invites suspicion of ulterior motives on the part of the prosecutor. When circumstances arise that would render him incapable to decide within the prescribed period a case for preliminary investigation, all that the prosecutor has to do is to request from the Secretary of Justice an extension of time within which to resolve the case. We can reasonably assume that the Secretary of Justice, cognizant of the caseload of the prosecutors and mindful of the difficulty encountered by them in the seasonable disposition of cases, would usually grant the request.

We also note that his superior has repeatedly warned respondent of his failure to resolve the aforementioned cases. His persistent refusal to heed said warning indicates not only defiance and disrespect to his superior but also extreme indifference and unwillingness to perform his duty as a prosecutor.

The conduct of respondent clearly gravely undermines the government's policy to speed up the administration of justice and to restore the people's trust in our criminal justice system particularly in the National Prosecution Service.

II. ADM. Case No. 99-0056-FS

This is a complaint for gross neglect of duty, inefficiency and incompetence in the performance of official functions. The evidence for private complainant Esmela Padilla shows that she is the complainant in I.S. No. 98-26125 against Danilo Chua, et al., for illegal demolition, landgrabbing and qualified trespass to dwelling. Her complaint was filed before the Office of the City Prosecutor on December 28, 1998. It was later assigned to respondent for preliminary investigation. She followed up with him, on several occasions, the resolution of her complaint but to no avail. She even filed motions to this effect. At present, the case has remained unresolved to her prejudice.

On January 17, 2000, a formal charge against respondent prosecutor for gross neglect of duty, inefficiency, and incompetence in the performance of official functions was issued by then DOJ Secretary Serafin R. Cuevas. Specifically, the formal charge reads:

“That you failed to act on the complaint of Esmela A. Padilla for illegal demolition, landgrabbing, qualified trespass to dwelling, grave threats, grave coercion and malicious mischief against Danilo Chua, et al. docketed as I.S. No. 98-26125 and the subsequent motion filed by complainant from the time that it was assigned to you on January 20, 1999 up to the present, in violation of Sec. 3, Rule 112 of the Revised Rules on Criminal Procedure and Department Order No. 9 dated February 6, 1998. Court.”

Although he was required to submit, within ten (10) days from receipt of the formal charge, his answer thereto and his sworn statement covering his testimony and those of his witnesses, respondent prosecutor did not do so.

During the initial investigation of this case, respondent prosecutor failed to attend on time. In the second setting held on April 7, 2000, respondent prosecutor requested for the deferment of the hearing until May 3, 2000. The deferment was prompted by his desire to seek from the DOJ Secretary an extension of time within which to file his comment as required by the formal charge. He, however, failed to appear on May 3, 2000, much less show proof that he, in fact, requested for additional time within which to submit his answer. He likewise did not attend the subsequent hearing on May 24, 2000 despite notice thereof. As it is, respondent prosecutor did not file his answer or any sworn statement

as required in the formal charge. He likewise did not adduce any evidence on his behalf. Thus, upon motion of complainant, this instant administrative complaint was submitted for resolution.

We find the instant administrative complaint meritorious especially in light of the fact that respondent failed to dispute the same despite the various opportunities for him to do so.

Complainant has categorically stated that respondent prosecutor failed to resolve her complaint in I.S. No. 98-26125 which she filed on December 28, 1998. Worse, he did not resolve the said case despite repeated follow-ups by the complainant. This certainly is contrary to Section 3, Rule 112 of the Revised Rules on Criminal Procedure and DOJ Order No. 9 dated February 6, 1998 which directs all prosecutors to resolve cases on preliminary investigation within forty-five (45) days.

WHEREFORE, and as recommended by the Secretary of Justice, Assistant City Prosecutor Ben de la Cruz of the Office of the City Prosecutor of Quezon City is hereby **SUSPENDED** for a period of one (1) year without pay effective upon his receipt of this Administrative Order with a stern warning that commission of the same or similar offenses in the future will warrant his dismissal from the service.

DONE in the City of Manila this 7th day of February, in the year of Our Lord two thousand and three.

By authority of the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 61
DIRECTING THE NATIONAL HISTORICAL INSTITUTE TO ORGANIZE THE OBSERVANCE
OF THE CENTENNIAL ANNIVERSARY OF THE DEATH OF APOLINARIO MABINI ON
MAY 13, 2003

WHEREAS, May 13, 2003 marks the centennial anniversary of the death of Apolinario Mabini;

WHEREAS, there is a need to properly plan, implement and coordinate all programs and activities leading to the said celebration;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby direct the Chairman of the National Historical Institute to organize the observance of the centennial anniversary of the death of Apolinario Mabini on May 13, 2003.

The Department of Budget and Management is hereby authorized to release the amount of **TWO MILLION PESOS (P2,000,000.00)** from the CY 2003 Contingent Fund to defray the expenses for the year 2003 activities commemorating the heroism of Apolinario Mabini.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 14th day of FEB, in the year of Our Lord, two thousand and three.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]* Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 62
CREATING THE OFFICE OF THE PRESIDENTIAL CHIEF OF STAFF AND DEFINING ITS
POWERS AND FUNCTIONS

WHEREAS, the Office of the President is the seat of power of government in the country and the Office where policies and decisions affecting the country emanate;

WHEREAS, in view of the critical nature of the Office of the President, there is a need to ensure that all internal policies, systems, procedures and activities are coordinated and responsive to the requirements of the Presidency to enable her to perform her functions effectively and efficiently;

WHEREAS, the Office of the President is committed to the implementation of the government's reform agenda directed at reducing poverty, accelerating economic growth and improving the quality of life of the Filipino people;

WHEREAS, there is a need for a mechanism that will coordinate the activities, operations, systems and processes directly affecting the Presidency, to ensure the effective and efficient delivery of staff support services to the President and to enhance the President's communications strategy aimed at generating increased public awareness and participation;

WHEREAS, Section 31, Chapter 10, Title III, Book III of Executive Order No. 292, series of 1987, otherwise known as the "Administrative Code of 1987," provides that the President shall have continuing authority to reorganize the administrative structure of the Office of the President.

NOW, THEREFORE, I, GLORIA MACAPAGAL ARROYO, President of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order the following:

SECTION 1. *Creation of the Office of the Presidential Chief of Staff.* There is hereby created in the Office of the President a support staff in the Private Office called the Office of the Presidential Chief of Staff (OPCS). It shall assist the President by providing direct services to the President in the management of her day-to-day activities and requirements, and provide inputs in the President's decision-making. As direct support staff to the President, the OPCS shall have the primary function of supervising and ensuring an efficient and responsive day-to-day operational support to the Presidency to enable the President to focus on more important national concerns. This includes:

- 1.1 Managing the day-to-day schedule of the President. The OPCS shall determine and recommend to the President the activities which shall be personally attended by the President. Relatedly, it shall coordinate with all concerned offices and agencies and ensure adequate preparation, both substantive and administrative, in the conduct of Presidential activities;
- 1.2 Providing the President with strategic planning functions;
- 1.3 Providing coordination of the policy formulation process at the President's level;
- 1.4 Ensuring the monitoring and evaluation of programs and projects being undertaken by the Government; and

- 1.5 Ensuring greater participation of the citizenry in the government's reform agenda by enhancing the President's public communications systems.

SECTION 2. *Organizational Set-up and staff Complement.* The OPCS shall be under the direct supervision of the President. It shall be headed by the Presidential Chief of Staff, who shall have the rank and emoluments of a Cabinet Secretary, and shall be assisted by one (1) Senior Deputy Chief of Staff and two (2) Deputy Chiefs of Staff, all with the rank of Undersecretary, three (3) Assistant Secretaries, and such number of Directorial and other Administrative staff as may be deemed necessary by the Presidential Chief of Staff, upon the approval of the President.

SECTION 3. *Coordinating Mechanism in the Office of the President.* (a) The OPCS shall coordinate the operations of the following offices, without diminution of their respective powers and functions: (a) the Appointments Office; (b) the Office of the Presidential Assistant for Socials; (c) the Office of Protocol Affairs; (d) the Correspondence Office; and the (e) Internal House Affairs Office.

(b) The OPCS shall have supervision over the President's National Security Briefing Room, which shall be responsible for providing regular situationer reports to the President on real time basis.

(c) The OPCS shall coordinate, for the specific purpose of formulating and implementing the President's public communications programs, the following offices: (a) the Office of the Press Secretary; and (b) the Office of the Presidential Spokesperson.

(d) The OPCS shall coordinate closely with the Presidential Management Staff as the primary government agency directly responsible for providing substantive staff assistance in the Presidential exercise of overall management of the development process.

(e) To ensure close coordination, the outputs of the Presidential Advisers and Assistants shall be submitted to the President through the Executive Secretary, copy furnished the OPCS.

SECTION 4. *Assistance.* – The OPCS may call upon any agency of the Government for such assistance as may be necessary in the performance of its functions. All heads of departments, agencies, bureaus, offices, including government-owned or controlled corporations are hereby enjoined to render full assistance and cooperation to the Presidential Chief of Staff and provide such information and data as may required to carry out his functions.

SECTION 5. *Funding Support.* The funds to support the operations of the OPCS shall be sourced from the existing budget of the Office of the President. Fund requirements of the OPCS for the succeeding years shall be included in the budget of the Office of the President.

SECTION 6. *Repealing Clause.* All issuances, orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Administrative Order are hereby repealed or modified accordingly.

SECTION 7. *Effectivity.* This Administrative Order shall take effect immediately.
City of Manila, FEB 12 2003

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) ALBERTO G. ROMULO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). [*Administrative Order Nos.: 1 - 110-A*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 63

**DIRECTING THE TRANSFER OF CERTAIN ASSETS AND LIABILITIES OF THE NATIONAL
DEVELOPMENT COMPANY IN FIRST CENTENNIAL CLARK CORPORATION TO CLARK
DEVELOPMENT CORPORATION**

WHEREAS, the National Development Company (NDC) was created by Commonwealth Act No. 182 to serve as an agency of the government in the furtherance of its economic policies;

WHEREAS, NDC, as the government's corporate vehicle, was thereafter restructured and revitalized under Presidential Decree No. 1648, as amended, to give necessary impetus to national economic development;

WHEREAS, NDC is presently one of the line corporate agencies attached to the Department of Trade and Industry (DTI);

WHEREAS, NDC's mandate is and has been to invest in pioneering development-oriented projects where the private sector is either unwilling or unable to venture into owning due to the high risks and/or the huge capital requirements involved, but which projects are nonetheless necessary for the nation's economic growth;

WHEREAS, in view of its mandate, the Government directed NDC to invest in, extend loans to and form a new corporation (NEWCO) together with Asian Construction Development Corporation (Asiakonstrukt) in order to finance and complete the PHILIPPINE CENTENNIAL EXPOSITION 1998 (the Project);

WHEREAS, pursuant to such directive, NEWCO was incorporated on 08 September 1997 under the name First Centennial Clark Corporation (FCCC);

WHEREAS, in compliance with the above-mentioned directive, NDC entered into a Loan Agreement dated 10 February 1998 (the Loan) with a consortium of government financial institutions (GFIs) composed of Social Security System, Development Bank of the Philippines, Land Bank of the Philippines and Government Service Insurance System, which Loan was secured by a guaranty issued by the Republic of the Philippines as well as a Deed of Assignment covering revenues from the Project, in order to finance part of its investment in the equity of and sub-loan to FCCC;

WHEREAS, on the same day, a Sub-Loan Agreement (Sub-Loan) was entered into between FCCC and NDC as a consequence of which FCCC executed in NDC's favor Promissory Notes and Deeds of Assignment covering tracts of land in the Clark Special Economic Zone (CSEZ), revenues from the Project, Non-Project revenues and Project properties;

WHEREAS, NDC, being FCCC's creditor and majority stockholder, owning sixty percent (60%) of its outstanding capital stock, has both equity investment and receivables in the company in the total amount of PESOS: TWO BILLION FORTY-EIGHT MILLION EIGHT HUNDRED TWENTY-TWO THOUSAND NINE HUNDRED FIFTY-SEVEN AND 50/100 (2,048,822,957.50) as of 31 December 2001;

WHEREAS, as a result of its investment in FCCC, NDC has incurred liabilities in the amount of PESOS: ONE BILLION SEVENTY-ONE MILLION NINE HUNDRED FIFTY-TWO THOUSAND ONE HUNDRED FIFTY-SEVEN AND 33/100 (P1,071,952,157.33) as of 31 December 2001;

WHEREAS, in order to maximize FCCC's business potentials and productivity and as one of the measures for the financial rehabilitation and restructuring of NDC, all its rights and interest over FCCC shall be transferred to Clark Development Corporation (CDC);

NOW, THEREFORE, I, GLORIA MACAPAGAL ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the immediate transfer to CDC of all of NDC's rights and interest in FCCC, including assets and receivables, consisting of the following:

1. The immediate transfer to CDC of all of NDC's rights and interest in FCCC including those assets with a value of PESOS: TWO BILLION FORTY-EIGHT MILLION EIGHT HUNDRED TWENTY-TWO THOUSAND NINE HUNDRED FIFTY-SEVEN AND 50/1000 (P2,048,822,957.50) as 31 December 2001 consisting of equity, loans receivable, dividend receivable and interest and other receivables;
2. The assumption by CDC of those liabilities of NDC in the amount of PESOS: ONE BILLION SEVENTY-ONE MILLION NINE HUNDRED FIFTY-TWO THOUSAND ONE HUNDRED FIFTY-SEVEN AND 33/100 (P1,071,952,157.33) as of 31 December 2001 arising from the Loan as a result of its investment in FCCC;
3. The value of the assets and the amount of liabilities stated in the immediately preceding sections shall be further revised/recomputed to reflect their value/amount as of the date of effectivity hereof;
4. The execution by NDC, after appropriate notice to FCCC, of Deeds of Assignment covering the leasehold rights in the CSEZ, Project revenues and Non-Project revenues in favor of CDC, CDC, in turn, shall execute Deeds of Assignment covering the same in favor of the GFIs. These Deeds of Assignment shall supercede those previously executed by NDC in favor of the GFIs;
5. Considering that the value of NDC's assets to be transferred exceeds the total liabilities to be assumed by CDC, CDC is hereby directed to provide additional compensation to NDC in order to approximate such difference between the value of the assets to be transferred and the liabilities that shall be assumed by CDC; and
6. All rights and obligations of NDC under the Loan shall be transferred to CDC and the Office of the President, through the Department of Finance, shall issue the corresponding Letter of Guaranty as security for the Loan and continue to extend the same guaranty to any restructuring agreed upon or to be concluded with the GFIs.

The Secretary of the Department of Trade and Industry is hereby directed and authorized to enter into, conclude, sign, execute and deliver, for and in behalf of NDC, such agreements, documents, instruments and deeds and other documents as may be necessary to implement the transfer of NDC's assets in FCCC and the assumption by CDC of the obligations contemplated herein.

All administrative issuances or part thereof which are inconsistent hereto, are hereby repealed or modified accordingly.

This Administrative Order shall take effect immediately.

Done in the City of Manila, Philippines, this 17TH day of FEB, in the year of Our Lord, Two Thousand Three.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) ALBERTO G. ROMULO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 64
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH THE ACCESSORY
PENALTIES OF FORFEITURE OF ALL FINANCIAL BENEFITS AND DISQUALIFICATION
FROM THE GOVERNMENT SERVICE ON ATTY. EDGAR SANTOS, REGISTER OF DEEDS,
MARIKINA CITY.

This resolves the complaint dated February 11, 1999, filed by Juanito A. Teope charging Edgar Santos, Register of Deeds of Marikina City for his involvement in a “big land scam”.

Acting thereon, the Presidential Anti Graft and Corruption (PAGC) submitted its findings and recommendation as contained in its resolution report dated October 3, 2000, we quote:

“The Transfer Certificate of Title No. 365432 in the name of Juanito A. Teope was issued on June 15, 1972 by the Register of Deeds of Rizal. The lot described therein was situated in Barrio Cupang, Antipolo, Rizal, with an area of 50,080 sq. m. known as Lot 19-B of the Subdivision Plan (LRC) PSD-160898 portion of Lot 19, PSU-136628 (LRC) SWO-12735, LRC N-7453, Record No. N-40617. The subdivision survey was executed by Jose R. Baricua, Geodetic Engineer on May 20-22, 1972. (p. 76, Records)”

“On May 19, 1997, respondent Santos issued Transfer Certificate of Title No. 329325 in the name of Jesus U. Ramos, covering Lot 19, situated in Barrio Cupang, Antipolo, Rizal, with an area of 176, 518 sq. m. (p. 19, Records). Jesus Ramos acquired Lot 19 (together with Lot 20) under a Deed of Absolute Sale executed by a certain Jose R. Baricua dated May 14, 1997 (Pp. 20 and 21, Records) The vendor has the same name as the Geodetic Engineer who is mentioned in complainant’s title.”

“On November 6, 1997, respondent Santos cancelled Ramos’ TCT No. 329325 and issued in lieu thereof Transfer Certificate Title No. 337890 covering Lot 19 in the name of First Alliance Real Estate Development, Inc., Cimic Realty Corporation and Sta. Lucia Realty and Development, Inc. (p. 26, Records) The new TCT issued by respondent was based on a Deed of Sale covering Lot 19 (and Lot 20) executed by Jesus Ramos in favor of First Alliance Real Estate Development, Inc., et al. dated October 31, 1997. (pp. 23, 24 and 25, Records)”

“Transfer Certificate Title No. 365432 in the name of Teope, Transfer Certificate No. 337890 in the name of First Alliance and Transfer Certificate No. 32925 in the name of Ramos show identical or common features/data appearing in the face of said titles.

- a. The parcels of land covered are all situated in Barrio Cupang, Antipolo, Rizal.

b. The titles were all derived from the same MOTHER TITLE, Original certificate of Title No. 9266 of the Register of Deeds of Rizal. The certifications on the three TCT's are identical except the month and day of registration as follows:

‘It is further certified that said land was originally registered on the 12th day of May in the year nineteen hundred and seventy two in the Registration Book of the Office of the Register of Deeds of Rizal Volume A-82, page 66, as Original Certificate of Title No. 9266 pursuant to Decree No. N-139070, issued in LRC No. 7453 Record No. N-40517.’

The month and day May 12 as above appears on Teopes title, while March 22 appears on the Ramos and First Alliance TCT's.

c. The survey plan of Lot 19 in the technical description of First Alliance's TCT and the survey plan of Lot 19 (of which Lot 19-B is a portion) in the technical description of Teope's TCT are identical as follows:

“Lot 19, PSU-136628 (LRC) SWO-12735, LRC N-7453, Records No. N-40517, situated in Barrio Cupang, Municipality of Antipolo, Province of Rizal, Island of Luzon.”

“Complainant Teope's TCT issued in 1972 stated that the parcel of land covered by it, Lot 19-B is a portion of Lot 19, covered by Original Certificate of title (OCT) 9266, and the said OCT was thereby CANCELLED insofar as this parcel is concerned.”

“The BIR Certificate Authorizing Registration dated 31 October 1997 purportedly signed by Oscar L. Sevilla Revenue District Office, for the sale to First Alliance states that Jesus Ramos paid capital gains tax of P3,707,810.00. However, as shown on the same certificate, the capital gains tax was only P185,390.50 and the documentary stamp tax was P55,617.15. There is no evidence/proof that the capital gains tax was paid.”

“Complainant Teope, in his letter-complaint to the President (pp. 2,3 and 4, Records) claimed that respondent Santos dissuaded him from digging deeper into the records of the Register of Deeds of Marikina City and assured him that “everything would be alright”. The respondent arranged at least four meetings in respondent's presence between complainant and the alleged representative, one Engineer Milla, of the other interested party, supposedly a Taiwanese group, to settle the dispute by paying complainant, but the settlement never materialized. This prompted complainant to file his affidavit of Adverse Claim.”

“Finding sufficient basis to commence an administrative investigation against the respondent, the Commission issued an initial (sic) Order dated 7 December 1999, requiring respondent to file his counter-affidavit and setting the preliminary conference on January 17, 2000. (Pp. 49 and 50, Records)”

“On January 4, 2000 respondent filed his counter-affidavit.”

“Denying the charge against him, respondent alleged: (a) that he never met the complainant personally as he acted only through his representative, Ms.

Myrna Munchua; (b) the Affidavit of Adverse Claim of complainant was duly annotated at the back of TCT No. 337890 on the same day the application was filed (June 10, 1998); (c) he is not involved in any land scam; (d) he is not denying the fact that he set-up a meeting between the complainant and the representative of First Alliance Realty Development Corporation; and (e) he cannot be held responsible for the overlapping of boundaries because in all transfer of titles, the Registry merely relies on the documents presented to it by the applicants in accordance with LRC Consulta Nos. 32, 34 and 69.”

“There are two issues in the case at bar, to wit:

- (a) Whether or not there is an overlapping of Titles; and
- (b) Whether or not there is any negligence/irregularity in the performance of respondents duties as the Register of Deeds of Marikina.”

“On January 17, 2000, preliminary conference, both parties agreed about the issue. However, regarding the issue of whether or not there is an overlapping of Title, the respondent’s counsel objected to it stating that the Commission has no jurisdiction since the question should be properly raised in a regular Court of Justice.”

“Upon careful evaluation of the records, it was noted that complainant Teope’s TCT which was issued in 1972 stated that the parcel of land covered by it, Lot 19-B, is a portion of Lot 19. While First Alliance’s TCT which was issued in 1997 stated that the parcel of land covered by it was Lot 19 (and Lot 20). They conclusively show that Lot 19 covered by the TCT issued by respondent Santos in 1997 to Ramos and then to First Alliance is identical to the Lot 19 mentioned in Teope’s TCT, of which Lot 19-B is a portion. In short, the TCT of Ramos and of First Alliance over the entire Lot 19 issued by respondent Santos clearly covers and overlaps Lot 19-B, the parcel of land covered by Teope’s TCT.”

“Moreover, it is clearly stated in a letter addressed to the complainant dated August 8, 1997 from the Office of the Assessor, Municipality of Antipolo, Rizal, informing the latter that while the Office of the Assessor was in the process of taxmapping real properties, their records show that Teope’s Lot 19-B covered by TCT No. 365432 was in conflict or overlaps with various properties including that of Jesus N. Ramos who was requesting for the issuance of Tax Declaration for his property covered by TCT No. 329325. (p. 73, Records)”

“These overlapping of Titles is not without the respondents knowledge. In fact, he admitted in his counter-affidavits that he set-up a meeting between complainant Teope and the representative of First Alliance for them to settle boundaries and overlapping disputes amicably. In effect, he is aware of the irregularity in his issuance of the TCT’s to Ramos and First Alliance.”

“Furthermore, the Certificate Authorizing Registration was also irregular. The BIR Certificate Authorizing Registration dated 31 October 1997 purportedly signed by Oscar L. Sevilla, Revenue District Officer, BIR, for the sale of First Alliance states that Jesus Ramos paid P3,707,810.00 (sic) as the taxes due on the sale of the two lots. Obviously, no payment was made as ‘certified’ because

the Capital Gains tax was only P185,390.50 and the documentary stamp tax was P55,617.15 as indicated in the document itself. There was no indication of payment of these taxes at all. Neither was there authority to accept payment by an authorized bank, nor receipt of payment by any bank. Respondent should have taken notice of these irregularities. Nevertheless, he still registered the sale and issued the TCT of First Alliance. This is clearly a fraud against the government.”

“The Commission would like to stress that it does not take cognizance of validity of overlapping Titles. The Commission is, however, concerned with the conduct of the respondent.”

“The Charge against the respondent was established by the documents submitted to this Commission by the complainant and the Records Officer of the Registry of Deeds of Marikina and the testimony of complainant and his witness.”

“Respondent’s counsel failed to present his witnesses because on March 6, 2000 hearing, he failed to appear despite notice and extension of time to wait for him. The Commission ruled that he was deemed to have waived his right to present further evidence. (Pp. 146-147, Records)”

“Respondent’s guilt was evident when he issued TCT to Ramos and later to First Alliance when he knew and should have known that it overlapped the property of complainant Teope. His conduct of setting-up meetings between Teope and First Alliance to settle their disputes amicably was an effort to cover-up his irregular act.”

“WHEREFORE, PREMISES CONSIDERED, this Commission finds respondent Edgar Santos, Register of Deeds, Marikina City, GUILTY of the charge against him and so recommends x x x that the penalty of DISMISSAL from the service together with the accessory penalties of forfeiture of all his financial benefits and disqualification from the government service be imposed.

“SO ORDERED.”

After a careful review and evaluation of the records of the present case, this Office concurs in the findings and conclusions of the PAGC, which are duly supported by substantial evidence on record.

WHEREFORE, as recommended by the PAGC, Atty. Edgar Santos, Register of Deeds, Marikina City is hereby DISMISSED from the service with forfeiture of all his financial benefits and disqualification from re-employment in the government service, effective upon receipt of this Order.

SO ORDERED.

Manila, Philippines, 17 FEB 2003

By authority of the President:
(Sgd.) WALDO Q. FLORES
Senior Deputy Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 65
IMPOSING ON ROSENDO T. BRILLANTES, ASSISTANT CITY PROSECUTOR OF CEBU, THE
PENALTY OF ONE (1) MONTH AND ONE (1) DAY SUSPENSION WITHOUT PAY

This refers to the administrative case for gross neglect of duty and conduct prejudicial to the best interest of the service filed by the Department of Justice against Assistant City Prosecutor Rosendo T. Brillantes of the Office of the City Prosecutor of Cebu City.

On the basis of the evidence gathered in the investigation conducted by the Office of the Regional State Prosecutor, Region VII, the Department of Justice formally charged respondent for the aforementioned offenses for the disappearance or loss of 288.20 grams of shabu used as evidence, albeit still to be formally offered, in Criminal Case No. CBU-54970 (People vs. Allan Arriego).

In his answer, respondent asserted that the loss adverted to was not the result of his negligence, claiming that he kept the items in question inside the drawer of the steel cabinet which also contained shabu and other evidence left by the late Prosecutor Domingo Uy. In this regard, he described the cabinet as “safe”, the door of the room where it is located being kept closed even during office hours. He stated that the loss of the said evidence was due to fortuitous event, adding that he joined the prosecution service only a few months before the incident happened.

The Secretary of Justice found respondent prosecutor guilty of simple neglect of duty on the strength of the following premises:

“After a careful study of the evidence on record, we find that there is substantial evidence to show that respondent prosecutor was indeed remiss in his duty of preserving and safekeeping the evidence involving 288.20 grams of shabu relative to Criminal Case No. CBU-54970... and which evidence have not been formally offered in court. There is no dispute that on November 17, 2000, Prosecutor Paderanga turned over to him the case records together with said evidence. Thus, upon receipt thereof, it behooves him to exercise due diligence in preserving and safekeeping the same to insure their presentation in court. In the case at bar, unfortunately, he failed to observe such diligence required under the circumstances when he simply placed the evidence of shabu in the steel cabinet despite knowledge that its lock was defective. Prudence dictates that he should not have left such kind of evidence in that cabinet unclosed or not properly secured, especially so that the room wherein the said cabinet is located, is not totally free from access of other people. Given such circumstances, obviously, respondent prosecutor was too lax in his duty to insure the safety of the evidence involved.

“While it is true that Flor Mamalias, evidence custodian officer, admitted that they do not have a vault to safe keep the said evidence, however, respondent prosecutor is expected to exert utmost efforts to keep the evidence in a safe place. At the very least, he should have seen to it first that the lock of the cabinet be repaired and properly secured before keeping thereat the evidence. Or, if the evidence cannot be kept secured in the office, he should have informed his head of office about

the problem so that proper representation should have been made with the PNP Crime Laboratory of the Region for the latter to accommodate the safekeeping of the evidence. It must be stressed that public prosecutors are duty bound to protect and preserve any physical and real evidence entrusted in their custody during trial. The Manual of Prosecutors mandates that measures should be taken to provide for secondary evidence consisting of photographs or pictures of the physical and real evidence, which evidence shall not be attached to the records of the case. This only shows that public prosecutors are expected to do every measure whatever prudent and necessary under the circumstances to protect and preserve the evidence to insure their presentation in court. The State cannot afford to allow prosecutors to be uncaring and neglectful of the evidence in the custody; otherwise, this would seriously affect the faith of the people in the prosecution service. Worse, it might set a dangerous precedent that would undermine the government's campaign against criminality. Thus, public service demands that the diligence of a good father of the family should equally apply to prosecutors in protecting and preserving the evidence entrusted to them in the performance of their official duty. Regrettably, respondent prosecutor failed to live up to this expectation.

Anent the contention of respondent prosecutor that this case be dismissed because the court anyway decided the Arriego case, not due to loss of evidence but for failure of the prosecution to prove the crime charged, even granting it to be so, suffice it to say that it does not detract from the fact that an inexcusable lapse in handling the evidence happened.... It must be pointed out that in the successful prosecution of possession of prohibited drugs or drug pushing, the presentation in court of the prohibited drug, being the *corpus delicti* of the offense, is of vital necessity. It bears stressing, too, that the rampant commission of murder, rape and other odious felonies has been largely attributed to the proliferation and accessibility of illegal drugs, notably.... shabu. Thus, this incident should not be taken for granted because it undermines the integrity and efficiency of the prosecution service.

However, in light of the totality of the circumstances obtaining in this case, respondent prosecutor, who was then a new prosecutor and has not been thoroughly apprised of the policy of the office in the safe keeping of the evidence by his immediate superior, and there being no wrongful intention to commit the offense, we believe that this omission herein constitutes only neglect of duty for which the appropriate penalty should be suspension of one (1) month and one (1) day from the service without pay pursuant to the Omnibus Rules implementing Book V of Executive Order No. 292 and other Pertinent Civil Service Laws."

We concur with the findings of the Secretary of Justice. Indeed, the act of respondent in simply keeping the evidence in an unsecured filing cabinet constitutes simple neglect of duty. Such display of laxity in the custody of evidence, especially shabu, is inexcusable as it undermines the integrity and efficiency of the government's efforts against the proliferation of dangerous drugs.

We note that respondent is relatively new in his position and apparently has not, during the period, been properly apprised by his immediate superior of his responsibility regarding safeguarding all physical evidence in his possession and control. This fact, however, cannot, standing alone, relieve him from liability. It may, at most, be considered as a mitigating factor.

WHEREFORE, as recommended by the Secretary of Justice, respondent Assistant City Prosecutor Rosendo T. Brillantes is hereby suspended from office for a period of one (1) month and one (1) day without pay, effective upon receipt of a copy of this Order.

SO ORDERED.

04 MAR 2003

By authority of the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 66
IMPOSING THE PENALTY OF SIX (6) MONTHS SUSPENSION ON ASSISTANT CITY
PROSECUTOR MANUEL V. GARCIA, OFFICE OF THE CITY PROSECUTOR OF LUCENA CITY

This refers to the administrative complaint against Assistant City Prosecutor Manuel V. Garcia, Office of the City Prosecutor of Lucena City for alleged Gross Neglect of Duty and Inefficiency.

The complaint stemmed from respondent Garcia's alleged inaction to resolve the criminal case filed by MK Development Corporation against Ruben Panlillo, former Vice-Mayor of Lucena City, Susan Buhay Tan and several other John Does alleged trespassing and/or violation of City Ordinance No. 1609, series of 1995. The criminal case was docketed as I.S. No. 96-1611 and assigned to respondent Garcia for preliminary investigation. On January 20, 1997, the criminal case was deemed submitted for resolution.

Five months later, or on June 26, 1997, complainant filed a motion for the early resolution of the criminal case. With no action was forthcoming, complainant filed a letter-complaint with the Office of the Secretary of Justice against respondent for the latter's alleged deliberate failure and refusal to resolve the criminal case. Complainant averred that respondent's inaction to resolve the criminal complaint resulted to its damage and prejudice.

On May 10, 1999, a formal charge was instituted against respondent for Gross Neglect of Duty and Inefficiency and he was required to submit his answer thereto.

Respondent neither offered any reason nor raised any defense. Nothing was heard from him except when he filed his "Motion for Extension of Time to Submit Answer". Still, no resolution was rendered by respondent even after the filing of the instant administrative complaint.

After due investigation, the Secretary of Justice found respondent liable only for Simple Neglect of Duty and recommended that the latter be suspended for a period of six (6) months. The Secretary of Justice noted that the evidence on record is bereft of any showing that the said criminal complaint was ever resolved. As such, the Secretary of Justice concluded that respondent Garcia neglected his official duty for failing to resolve the criminal complaint assigned to him for preliminary investigation within the sixty (60) days reglementary period prescribed under Department Circular No. 49 dated July 14, 1993.

We are in full accord with the findings and recommendation of the Secretary of Justice. Respondent Garcia had been remiss in the performance of his duty. He failed to resolve the criminal complaint assigned to him for preliminary investigation within the sixty (60) days reglementary period prescribed under Department Circular No. 49 dated July 14, 1993. His neglect became more evident when he failed and refused to act accordingly after complainant filed a motion for early resolution on June 26, 1997, five months after the criminal complaint was deemed submitted for resolution. In fact, even after the filing of the instant administrative complaint against him the criminal complaint has remained unresolved.

WHEREFORE, as recommended by the Secretary of Justice, Assistant City Prosecutor Manuel V. Garcia of the City Prosecution Office of Lucena City is hereby found guilty of simple neglect of duty and is meted the penalty of six (6) months suspension without pay.

Done in the City of Manila, this 17th day of March, in the year of our Lord, Two Thousand and Three.

By authority of the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). [*Administrative Order Nos.: 1 - 110-A*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 67
IMPOSING THE PENALTY OF FINE EQUIVALENT TO SIX MONTHS SALARY ON
ATTY. FIDEL H. BORRES, JR., PROVINCIAL AGRARIAN REFORM ADJUDICATOR,
AGUSAN DEL NORTE

This refers to the letter-complaint dated August 3, 1995, of Silverio Marabe against Fidel H. Borres, former Provincial Agrarian Reform Adjudicator (PARAD) of Agusan del Norte, for Gross Ignorance of the Law Amounting to Inefficiency and Incompetence in the Performance of Official Duties.

The instant administrative complaint stemmed from respondent Borres' issuance of an order dated June 30, 1995, granting the motion of Florentino Magallanes directing the implementation of DARAB Case No. X-02-069 entitled "Florentino Magallanes vs. Silverio Marabe", despite the pendency of an appeal with the Department of Agrarian Reform. Subsequently, a writ of execution was issued dated July 26, 1995 to enforce the aforementioned order:

Acting on the complaint, the Department of Agrarian Reform Adjudication Board (DARAB), Quezon City, sent a series of directives dated November 22, 1995, June 18, 1996 and March 24, 1998, to respondent Borres requiring him to file an answer/comment to the complaint. Despite receipt thereof, however, respondent Borres failed to comply for an unreasonable length of time.

Incidentally, on May 8, 1998, complainant Marabe filed a motion seeking early resolution of his complaint. Attached to the motion was respondent's unsworn written answer dated December 8, 1995. Upon the other hand, the DARAB denied receipt of respondent's answer inasmuch as it was not officially transmitted to them. In his answer, respondent maintained that he could legally issue the questioned order granting an execution pending appeal based on Supreme Court decisions.

On the basis of available records, the Investigating Committee in a memorandum of July 19, 1999, addressed to then DAR Secretary Horacio Morales found respondent Borres guilty as charged and recommended his suspension for one (1) year without pay, the salient portion of which reads:

"Rule XII, Section 1 of the DARAB New Rules of Procedure which took effect on 22 June 1994 provides:

'Execution Upon Final Order or Decision. – Execution shall issue upon an order, resolution or decision that finally disposes of the action or proceeding. Such execution shall issue as a matter of course and upon the expiration of the period to appeal therefrom if no appeal has been duly perfected.'

Further, Section 2 of the same Rule provides:

'Execution Pending Appeal. Any motion for execution of the decision of the Adjudicator pending appeal shall be filed before the Board, and the same may be granted upon showing good reasons and conditions which the Board may require.'

“Respondent Borres disregarded the above stated rules governing the adjudication of DARAB cases when he granted the Motion for Execution of Judgement Pending Appeal inspite of his awareness of Notice of Appeal. It is rather unfortunate that respondent Borres is not aware of the DARAB provisions, when Rule I, General Provisions – paragraph 1, states: The provisions of the Rules of Court shall not apply even in a suppletory character unless adopted herein or by resolution of the Board....’

“As an Adjudicator of the DAR, it is a pressing responsibility to keep abreast with the rules applicable to agrarian cases. Ignorance of the law on the part of Respondent Borres is not only most ignominious, it is also prejudicial to litigants and the administration of justice as a whole. It can only be viewed as an attempt, through misuse of judicial processes, to give a semblance of merit to a clearly unmeritorious cause and accord undeserved benefits to the party espousing and promoting said cause. Respondent judge showed gross ignorance, albeit any malice or corrupt motive. (*Carpio vs. De Guzman*, 262 SCRA 615) Ignorance of the law, which everyone is bound to know, excuses no one certainly not judges. (*Ualat vs. Ramos*, 265 SCRA 345) When the law is elementary, so elementary, not to know, constitutes gross ignorance of the law.

“In view of the foregoing, it is hereby recommended that PARAD Fidel Borres be found guilty of Gross Ignorance of the Law which is tantamount to Inefficiency and Incompetence in the Performance of Official Duties with the corresponding penalty of one year suspension without pay.”

Unfazed, respondent Borres on August 13, 2002, filed a “MOTION TO DISMISS WITH PRAYER FOR EARLY RESOLUTION”, insisting that the complaint against him is now moot and academic, in view of his retirement from the government service effective September 11, 2001.

Against the foregoing factual backdrop, then DAR Secretary Hernani A. Braganza in a Memorandum for the President dated January 8, 2003, recommended the suspension of respondent Borres from the service for six (6) months and one (1) day without pay.

At this juncture, while we agree with then Secretary Braganza that respondent Borres should be meted the recommended penalty of suspension for openly defying DARAB rules and regulations when he issued an “execution pending appeal” order, an act we consider to be a deliberate and wanton disregard of established rules and procedure, and which as an adjudicator he ought to uphold it at all times, with a cold neutrality of an impartial judge. Be that as it may, the major concern in the case at bar is whether or not this Office can still impose administrative sanction on respondent following his retirement from the service.

While it is generally conceded that an administrative proceeding is predicated on the holding of an office or position in the government (*Dianalon vs. Quntillan*, Adm. Case No. 116, August 29, 1969, 29 SCRA 347), the rule is qualified and, therefore, recognized to admit an exception, as amplified by the Supreme Court, in this wise:

“It was not the intent of the Court in the case of *Quintillan* to set down a hard and fast rule that the resignation or retirement of a respondent judge as the case may be renders moot and academic the administrative case pending against him; nor did the Court mean to divest itself of jurisdiction to impose certain penalties short of dismissal from the government service should there be

a finding of guilt on the basis of the evidence. In other words, the jurisdiction that was Ours at the time of the filing of the administrative complaint was not lost by the mere fact that the respondent public official had ceased to be in office during the pendency of his case. The Court retains its jurisdiction either to pronounce the respondent official innocent of the charges or declare him guilty thereof. A contrary rule would be fraught with injustices and pregnant with dreadful and dangerous implications. For what remedy would the people have against a judge or against any other public official who resorts to wrongful and illegal conduct during his last days in office? What would prevent some corrupt and unscrupulous magistrate from committing abuses and other condemnable acts knowing fully well that he would soon be beyond the pale of the law and immune to all administrative penalties? If only for reasons of public policy, this Court must assert and maintain its jurisdiction over members of the judiciary and other officials under its supervision and control for acts performed in office which are inimical to the service and prejudicial to the interests of litigants and the general public. If innocent, respondent official merits vindication of his name and integrity as he leaves the government which he served well and faithfully; if guilty, he deserves to receive the corresponding censure and a penalty proper and imposable under the situation.” *People vs. Valenzuela*, 135 SCRA 712, citing *Perez vs. Abiera*, Adm. Case No. 223-J, June 11, 1975, 64 SCRA 302)

Stated somewhat differently, the severance of official ties with the government of a public official or employee constitutes a bar to the subsequent filing of an administrative case against him for an act or acts committed during his incumbency. *A sesu contrario*, once an administrative charge is initiated against such respondent, his compulsory or optional retirement, resignation or separation from the service during the pendency thereof does not nullify or moot the proceedings, which should continue to its logical conclusion. And if so closed or terminated for that reason alone, it may be reopened by the Office of the President on its own motion, if respondent is a presidential appointee, or at the instance of the department head concerned, if non-presidential appointee. This is the pith and core of the clarificatory opinion of the Secretary of Justice (Opinion No. 30 dated Feb. 17, 1978) *vis-à-vis* the query of whether the retirement, resignation or separation from public office of an employee would divest the department head, or the head of any concerned agency of the government, of jurisdiction to act upon an administrative case filed against the employee during his tenure of employment, to wit:

“The Department of Justice has taken the position, as early as 1962, that the attainment of the age of compulsory retirement by a respondent does not *ipso facto* close the pending administrative proceedings against him. Although the highest penalty in an administrative case is that of dismissal or separation from the service, which is already accomplished by the respondent’s compulsory retirement, the proceedings may still continue for purposes of determining whether or not the respondent is guilty with the end in view of imposing penalties incident to dismissal for cause. The Department has even sustained the view, in the case of Undersecretary Tambokon, that the administrative case, if already closed or terminated, may be reopened by the Office of

the President motu proprio or at the instance of the Department Secretary.’

Assayed upon the foregoing legal considerations, it does not require an extended argument to show that the retirement of respondent Fidel H. Borres, Jr. as Provincial Agrarian Reform Adjudicator of Agusan del Norte during the pendency of the administrative charge against him for Gross Ignorance of the Law Amounting to Inefficiency and Incompetence in the Performance of Official Duties did not render the same moot and academic as to warrant the dismissal of the administrative charge against him. However, since the recommended penalty can no longer be served following his retirement from the service, a penalty of fine equivalent to six (6) months salary, deductible from whatever retirement benefits he may be entitled to is legally tenable.

WHEREFORE, premises considered, respondent Fidel H. Borres, Jr., Provincial Agrarian Reform Adjudicator of Agusan del Norte is hereby found guilty of Gross Ignorance of the Law and ordered to suffer the penalty of fine equivalent to six (6) months salary, deductible from whatever retirement benefits he may be entitled thereto.

Done in the City of Manila, Philippines, this 31st day of March, in the year of Our Lord, Two Thousand Three.

Manila, Philippines,

By authority of the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). [*Administrative Order Nos.: 1 - 110-A*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 68

PROVIDING FOR THE STRENGTHENING OF THE NATIONAL INTELLIGENCE
COORDINATING AGENCY (NICA) TO DIRECT, COORDINATE AND INTEGRATE
ALL GOVERNMENT ACTIVITIES INVOLVING NATIONAL INTELLIGENCE AND
FOR OTHER PURPOSES

WHEREAS, owing to challenges posed by terrorism, there is a need to streamline the Intelligence Community to make it responsive to the new environment.

WHEREAS, for purposes of providing timely, relevant and useful intelligence for the use of various government agencies, there is a need to properly coordinate, direct and integrate the national intelligence gathering activities of the government at all levels;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order that:

SECTION 1. *Strengthening NICA's Role and Authority.* The NICA shall have principal authority to direct, coordinate and integrate all government activities involving national intelligence and continue to serve as the focal point for the preparation of intelligence estimates of local and foreign situations for the formulation of national policies by the President. As lead intelligence collection agency of the national government it shall operate directly under the Office of the President and shall be accountable to the President of the Republic of the Philippines.

The Director General (DG), NICA shall serve as the principal adviser to the President on intelligence. He shall undertake measures to streamline and strengthen the intelligence community in general and the Agency in particular in addressing broader national intelligence concerns, including, but not limited to counterintelligence, counterterrorism, foreign intelligence and economic intelligence. In this regard, he shall establish the Directorate for Counterintelligence which shall serve as the focal point for the national government's counterintelligence activities and operations.

For the above purpose, the NICA is authorized to request for secondment to the Agency of personnel from other government offices. It may detail NICA liaison officers to other government departments, agencies and offices as needed.

SEC. 2. *National Intelligence Committee.* There shall be organized a National Intelligence Committee (NIC) to serve as the advisory body to the DG, NICA for the coordination, integration and fusion of all intelligence activities relating to the preparation of the National Intelligence Estimate (NIE) and in addressing other issues of national intelligence concern. It shall act as a collegial body for the purpose of promoting unity and cohesion of the national intelligence community as well as for prescribing policy guidelines and directives to various national government units, agencies and offices engaged in activities involving national intelligence.

Membership. The NIC, to be chaired by the DG, NICA, shall have the following as members: the Undersecretary for Policy, Department of Foreign Affairs; the Director, National Bureau of Investigation; the Commissioner, Bureau of Customs; the Commissioner, Bureau of Immigration; the Deputy Chief of Staff for Intelligence, J2, Armed Forces of the Philippines; the Director for Intelligence, Philippine National

Police; and the Commanding Officer, Presidential Security Group. The DG, NICA may designate resource persons who shall be invited to participate in the NIC meetings as the need arises.

Standing Committees. The NIC shall create inter-agency standing committees that will be tasked to prepare national intelligence reports, assessments and plans for its approval and dissemination. These committees shall also ensure that appropriate inputs are received from other agencies which have allocated intelligence tasks.

Secretariat. The NIC shall have a Secretariat responsible for all technical and administrative matters affecting the Committee. The Director, Office for Policies, Plans and Programs of the NICA shall supervise the NIC Secretariat.

Regional Intelligence Committees. The NIC shall be assisted by the Regional Intelligence Committees (RICs) in all regions of the country. In consonance with appropriate guidelines from the NIC, the RICs shall direct and coordinate intelligence efforts of the Government at the regional and local levels to ensure efficient and effective coverage of all threats to national security. For this purpose, the RICs shall coordinate the efforts of all government intelligence units and agencies at the regional and local levels to ensure the integration and fusion of all information of national intelligence concern gathered at these levels.

Each RIC shall be chaired by the Director of the NICA Regional Office and shall have as members the regional counterparts of the NIC members. The RICs shall periodically submit to the NIC reports on their accomplishments, special intelligence reports and other intelligence concerns thru the DG, NICA, furnishing the concerned Area CTICs copies thereof.

Reportorial Requirements. Likewise, as Chairman of the NIC, the DG, NICA shall prescribe the Committee's reportorial requirements, including the system for integrating at the national level the various reports generated by the civilian, police and military intelligence agencies at the regional and local levels.

Source Control System. The NIC shall establish a source control system to cover all intelligence gaps, preclude and eliminate intelligence peddling and deter the unrestricted dissemination of misleading information.

Security Clearance. The NIC shall prescribe and promulgate a national security clearance system for the government service.

SEC. 3. Counter-Terrorism Intelligence Center. The Counter Terrorism Intelligence Center (CTIC) shall be institutionalized as a multi-agency body under the direction and control of the DG, NICA tasked with the mission of providing over-all coordination in the conduct of intelligence operations to facilitate gathering, processing, disseminating and sharing of intelligence on terrorism, especially on international terrorism.

There shall likewise be established Area Counter-Terrorism Intelligence Centers (Area CTICs) in the various area unified commands of the AFP that shall be tasked principally to capture and fuse at the operational and tactical levels the intelligence outputs, with emphasis on domestic and international terrorism, of all intelligence agencies – civil, military and police – in their respective areas of operations.

SEC. 4. Foreign Intelligence Organizations and Intelligence Sharing. The DG, NICA shall establish and strengthen liaison work between the Agency and its foreign counterpart intelligence and security organizations/services. He shall designate the points of contact of these foreign counterpart intelligence organizations within the Intelligence Community and other government Departments/Agencies. For this purpose, he shall also be the approving authority for the grant of official accreditation of these foreign counterpart intelligence organizations with the police, military or other intelligence units of the government. He shall also review the working arrangements of local intelligence organizations and

agencies with foreign intelligence organizations in order to maximize the country's benefit from a more manageable and effective intelligence sharing system.

Foreign Liaison Program. The NICA shall coordinate its Foreign Liaison Program with the Armed Forces of the Philippines, the Philippine National Police, the Department of Foreign Affairs and other agencies regularly posting representatives overseas, i.e., the Department of Trade and Industry, the Department of Tourism and the Department of Labor and Employment, to rationalize the deployment of NICA liaison officers in priority states.

SEC. 5. *Relationship with the NSA/NSC/NIB.* The NICA and the NIC shall provide support services to the National Security Adviser/the National Security Council and the National Intelligence Board. The NIC shall act as the principal arm of the Board for purposes of providing direction and control of intelligence operations and activities of NIB members, departments, agencies and offices. The NICA shall remain under the administrative supervision of the National Security Adviser, as provided for in EO 69, s. of 2002.

SEC. 6. *Funding.* The requirements for additional funding for the expanded responsibilities and tasks of the Agency shall be sourced from the Office of the President for the current year and included in succeeding appropriations of the Agency.

SEC. 7. *Repealing Clause.* All executive orders (except EO 246, s. of 1987) and other presidential issuances, or part thereof relating to activities of national intelligence concern that are inconsistent with the provisions of this Administrative Order are hereby deemed repealed or modified accordingly.

SEC. 8. *Effectivity.* This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 8th day of April, in the year of Our Lord, Two Thousand and Three.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2003). [*Administrative Order Nos.: 1 - 110-A*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 69

IMPOSING UPON FORMER COMMISSIONER RUFINO V. MIJARES OF THE COMMISSION ON THE SETTLEMENT OF LAND PROBLEMS THE PENALTIES OF CANCELLATION OF CIVIL SERVICE ELIGIBILITY AND FORFEITURE OF ALL LEAVE CREDITS AND RETIREMENT BENEFITS, AS WELL AS DISQUALIFICATION FOR RE-EMPLOYMENT AND/OR REINSTATEMENT IN THE GOVERNMENT SERVICE, AS ACCESORY PENALTIES TO DISMISSAL FROM THE SERVICE FOR CAUSE.

This refers to the administrative case initiated by the Department of Justice (DOJ) against Commissioner Rufino V. Mijares, Commission on the Settlement of Land Problems (COSLAP), for grave misconduct, for allegedly receiving marked money in the amount of Thirty Thousand Pesos (P30,000.00) as consideration for assisting a certain Salud Sabado in the expeditious resolution of the latter's ejectment case pending before the Court of Appeals and/or expeditious resolution of her case for annulment of title pending with the COSLAP.

As found by the DOJ, the facts of the case are as follows:

“Ms. Salud Sabado is a respondent in a case for ejectment pending before a Manila Regional Trial Court (RTC). Sometime in 1997 and during the pendency of her case before the Manila RTC, she read a newspaper advertisement claiming that respondent is in a position to help poor people involved in land disputes. When Ms. Sabado approached respondent, the latter advised her to file a countersuit for cancellation of title before the COSLAP. Respondent even referred her to a certain Frederico Aguilar (a non-lawyer) for legal assistance. Notwithstanding respondent's advice, Ms. Sabado lost her case at the Manila RTC. Upon advice of respondent, she subsequently filed an appeal before the Court of Appeals.

When the Appellate Court rendered an adverse decision, Ms. Sabado again sought respondent's guidance on the proper action to take. Respondent intimated to Ms. Sabado that she might have to shell-out a considerable amount for a reconsideration of the Appellate Court's ruling.

With the adverse ruling, Ms. Sabado followed-up the status of her case for cancellation of title pending before the COSLAP which proved futile. In one of her visits, Ms. Sabado chanced upon a fellow client who intimated that the reason why probably she is not being attended to at the COSLAP is her failure to give ‘grease money’.

Exasperated and alarmed at the ‘cold treatment’ she is getting from respondent, Ms. Sabado sought the assistance of Col. Rodolfo Azurin, Jr., of the Traffic Management Group-Special Operation Division (TMG-SOD). A plan was hatched for PO2 Rosalie Santos of the TMG to accompany Ms. Sabado and meet respondent on 10 April 2000 at the COSLAP, in order to establish whether there is sufficient basis to support Ms. Sabado's complaint.

Upon arriving at the COSLAP, Ms. Sabado introduced PO2 Santos as her sister married to a wealthy Japanese, who just arrived from Japan and who is willing to shoulder the expenses relative to Ms. Sabado's land problem. While respondent never demanded any money, respondent nevertheless assured them that he is willing to help and advised them to return on 14 April 2000 for a conference.

Armed with the report of PO2 Santos and another complaint (an affidavit dated 23 March 2000 of a certain Roger Dap-og claiming that respondent demanded P10,000.00 from him for favorable resolution of a case pending with COSLAP) on file with the PAOCTF, Col. Azurin decided to conduct an entrapment operation against respondent.

On her own volition, Ms. Sabado returned to COSLAP in the morning of 12 April 2000 to see respondent. Respondent who then had a previous engagement, requested Ms. Sabado to return that afternoon (4:00 p.m.). Ms. Sabado immediately called up PO2 Santos and subsequently went to the TMG-SOD. She was in turn referred to the Presidential Anti-Organized Crime Task Force (PAOCTF) for the preparation of the P30,000.00 marked money to be used in the entrapment operation.

Ms. Sabado, together with the combined forces of the TMG-SOD and the PAOCTF, went to COSLAP in the afternoon of 12 April 2000. While Ms. Sabado and PO2 Santos were talking with respondent, inside the latter's office, the members of the arresting team strategically positioned themselves within the COSLAP premises.

After sometime, Ms. Sabado came out of the room. Taking it as the sign that respondent accepted the marked money, Maj. Ricardo G. Dandan, leader of the arresting team, Col. Azurin and SPO4 Tito Tuanggang immediately entered respondent's office. After Maj. Dandan shook respondent's hand, the former announced that the latter was under arrest."

The marked money amounting to Thirty Thousand Pesos (P30,000.00) was recovered from the drawer of respondent's table.

Investigation at the PNP Crime Laboratory revealed that respondent was found positive for ultra-violet fluorescent powder on the dorsal side of the middle and ring fingers of his right hand.

In the light of the above incident, respondent was administratively charged with grave misconduct and immediately placed under preventive suspension.

In exculpation, respondent denies the accusation. He avers that:

- a) he was just set-up through the combined efforts of COSLAP employees led by acting COSLAP Commissioners Lina General and Noel Galarosa and COSLAP Hearing Officers Michael Millora and Wilberto Tolitol. He avers that Attys. General, Millora and Tolitol were at Camp Crame in the evening of 12 April 2000 precisely to help Ms. Sabado, et al., in the preparation of their affidavits; and
 - b) while he was found positive for ultra-violet fluorescent powder, the same was only found on the dorsal side of the middle and ring fingers of his right hand, thus arguing that he never received the marked money and that the same was merely slapped on his hand or that his hands may have been contaminated when he shook hands with one of the arresting officers who prepared the marked money.
-

During the investigation, respondent stood firm on his allegation that he was just a victim of a grand conspiracy to oust him from his present position. To corroborate his allegation, respondent presented as witnesses Jessie Vargas and Rodrigo Magaling who both testified that at around 3:30 p.m. of 12 April 2000, while they were at respondent's office, they saw two (2) women (later identified as Sabado and PO2 Santos) enter the said office and surreptitiously place an envelope inside respondent's desk and hurriedly leave afterwards. A day after, they learned from Atty. Millora, an employee of COSLAP, that respondent was arrested by PAOCTF for allegedly receiving marked money from the said women.

On the other hand, Sabado and PO2 Santos testified that they met respondent at his office in the afternoon of 12 April 2000. They inquired from respondent the exact amount needed to settle the pending case and the latter replied that they would need a substantial amount. Requested to give an approximate amount, respondent opined that they would need Fifty Thousand Pesos (P50,000.00). PO2 Santos informed respondent that she only had Thirty Thousand Pesos (P30,000.00) at that time. Respondent readily agreed to accept the same.

Prior to the giving of the marked money, respondent allegedly ordered the other visitors in his office to immediately leave the room. After the visitors have gone out, PO2 Santos placed the envelope containing the marked money on respondent's desk. The envelope was then placed by respondent inside his desk drawer. Upon seeing this, Sabado excused herself and left the room. At this juncture, the combined PAOCTF and TMG operatives entered the room and arrested respondent.

Prosecution witness Inspector Josephine Clemen of the PNP Crime Laboratory testified that respondent was tested positive of the ultra-violet fluorescent powder, the same material found on the eight (8) pieces of P500.00 bills used in the entrapment operation.

After evaluating the evidence on record, then DOJ Secretary Artemio Tuquero found respondent guilty as charged and recommended his dismissal from the service, reasoning as follows:

“As between the two versions: i.e. Ms. Sabado, et al., and respondent, this Office believes that the former is more credible.

Majority of respondent's evidence and testimony are self-serving and thus deserve scant consideration. His allegation that it may have been Ms. Sabado and PO2 Santos who 'planted' the evidence prior to their meeting is far incredible to believe. In the supposed corroborative testimony of Mr. Jessie Vargas who allegedly saw PO2 Santos place the envelope containing marked money inside respondent's desk prior to the entrapment, Mr. Vargas described the incident in this wise:

‘CHAIRMAN:

Noong nakita n'yo yong dalawang babae doon sa loob ng kwarto, meron pa bang ibang tao na nandoon sa kwartong yon?

MR. VARGAS:

Merong po akong katabi doon pero mga tulog sila.

CHAIRMAN:

Mga ilan ang kasama mo doon?

x x x

MR. VARGAS:

Mga apat po kami.

X X X

CHAIRMAN:

Maliban sa kanila? (referring to PO2 Santos and Ms. Sabado)

MR. VARGAS:

Maliban po sa kanila.

CHAIRMAN:

So, anim kayong lahat?

MR. VARGAS:

Opo.

X X X

CHAIRMAN:

Magkagayon pa man, anim kayong nandodoon sa loob ng kwarto. Sa inyong anim ay meron pa ring dalawang tao na naglakas loob na lumapit sa lamesa ni Commissioner Mijares at ilagay doon yong sobre, ganoon ba ang gusto mong palabasin?

MR. VARGAS:

Ganoon nga po.'

(see p. 36-38 of T.S.N. for 13 July 2000 hearing)

Ordinary and normal experience dictates that for one to do an illicit act, such as 'planting evidence', the same should be done as discreetly as possible and out of sight of other people or strangers. Stated differently, if indeed PO2 Santos placed the envelope containing the marked money inside respondent's desk, she should have been careful enough, as an experience police officer, to have done the same surreptitiously.

Respondent tries to place in issue the PNP-Crime Lab findings that even if he was found positive for ultra-violet fluorescent powder, the same was only found on the dorsal side of the middle and ring fingers of his right hand thus arguing that he never received the marked money and that the same was merely slapped on his hand or that his hand may have been contaminated when he shook hands with one of the arresting officers who prepared the marked money. (see p. 27 of T.S.N. for 13 July 2000 hearing).

When asked to explain this apparent discrepancy, Maj. Dandan, leader of the arresting team opined that it was possible that respondent may have wiped his hands prior to the laboratory examination, thus negating the presence of UV powder on his right palm.

In her testimony relative to the nature of the ultra violet fluorescent powder, Police Inspector Josephine Clemen, the forensic chemist who examined respondent after the entrapment, gave the following explanation:

‘CHAIRMAN:

No(*w*), in so far the hand is concerned, when you say that it can be transferred, you say that by just wiping your hand and washing. Now supposed I wipe my hand, will there be (*any*) residue left on my hand or is it a complete transfer?

INSPECTOR CLEMEN:

It depends on the degree how you wash your hand.

CHAIRMAN:

No(*t*) just wiping(?)

INSPECTOR CLEMEN:

The reaction, Sir, is only physical, when you, let wipe it with some kind of a cotton or wash your hand, there is a possibility that this UV powder will be gone from your hand.

CHAIRMAN:

It will be removed?

INSPECTOR CLEMEN:

Yes, Sir, it will be removed.

CHAIRMAN:

So there is a possibility that it can be removed?

INSPECTOR CLEMEN:

Yes, Sir because the reaction is only physical.

CHAIRMAN:

Physical? So it can be removed through physical means.

INSPECTOR CLEMEN:

Yes, Sir.

CHAIRMAN:

Wiping? Washing?

INSPECTOR CLEMEN:

Yes, Sir.’

(see p. 18-20 of T.S.N. for 04 September 2000 hearing)

From its very nature, we can see that the ultra violet fluorescent powder is not a full-proof means of determining whether a suspect did or did not receive the marked money. Its presence or absence does not, in any way, affect the categorical declaration of Ms. Sabado and PO2 Santos that respondent actually received the marked money.

In his last ditch effort to escape liability, respondent would like to make it appear that the masterminds of the supposed entrapment were the four ranking COSLAP officials who conspired in trying to oust respondent from office. Such specious argument likewise deserves scant consideration. Except for the speculative argument that Ms. Sabado hails from Naga City, where Atty. General allegedly hails from (which Atty. General has vehemently denied by saying that she is from Masbate), this Office does not find any logical and evidently connection between and among the said officials that would cast doubt on the motive, intention or integrity of the members of the arresting team. Suffice it to say, that respondent has

failed to overcome the presumption of regularity in the performance of one's duty, which the law accords to the members of the arresting team.

Moreover, respondent's argument that the COSLAP does not exercise jurisdiction over the case of Ms. Sabado for cancellation of title and as such she should not have expected any positive relief from the COSLAP, only worked to the disadvantage of respondent. Based on Ms. Sabado's testimony, it was respondent who advised her as early as 1997 to file a countersuit for cancellation of title with the COSLAP. As COSLAP Chairman, he should not have counseled Ms. Sabado to file such useless action. His bad faith is further aggravated by the fact that even after the lapse of three years, he still failed to act on Ms. Sabado's useless action. Such inaction serves to support Ms. Sabado's belief that respondent was waiting for 'something' to finally act on the matter.

On the other hand, the testimony of Ms. Sabado, PO2 Santos, Major Dandan, and Col. Azurin, taken as a whole materially dovetails with each other leading to no other conclusion than that respondent actually took the marked money."

In his letter of April 26, 2001, then DOJ Secretary Hernando Perez interposed no objection to the findings and recommendation of his predecessor.

After a careful review of the records of this case, this Office concurs with the above findings and recommendation of the DOJ.

Without doubt, respondent failed to controvert the straightforward and unwavering accusation of Sabado that he demanded money from the latter in exchange for a favorable resolution of her case. It is highly insulting to one's intelligence to believe that (1) Sabado would give such a huge sum of money to respondent without the latter demanding it; (2) that PO2 Santos, an experienced police officer, would place inside respondent's desk the envelope containing the marked money, in plain view of respondent's visitors; (3) that Attys. General, Galarosa, Millora and Tolitol have all conspired to oust him from his present position and take over his position where neither of them expressed or showed interest in his position; (4) that the PAOCTF operatives would take part in a grand scheme to frame respondent when they are presumed under the law to have acted in the regular performance of their official duty; and (5) that Sabado would concoct a story against the respondent when she has no known penchant for indiscriminately filing suits of whatever nature against any public official. What is evident from the records is that respondent put the squeeze on Sabado to produce money in exchange for a favorable resolution of her case and that the former accepted the marked money given by PO2 Santos.

Among the acts constituting corrupt practices under the Anti-Graft and Corrupt Practices Act (*Republic Act No. 3019, as amended*) is the receiving of any money or benefit by a public officer in connection with any transaction between the government and a private party (Section 3[b]). For a public servant to accept money and other payments from parties he assists in the course of the performance of his duties is inimical to the best interest of the service, as his office would be tainted with suspicion (*Tan vs. Herras*, 195 SCRA 1). It has oft been repeated by this Office that the conduct and behavior of every public official must at all times be characterized with propriety and decorum for they are the epitome of integrity, uprightness and honesty (*Llanes vs. Borja*, 192 SCRA 288). It is patent from this case that respondent did not only use his office to serve his nefarious activities but altogether tainted the integrity of COSLAP to which he owes fealty and the obligation to keep at all times unsullied and worthy of the people's trust. He does not, therefore, deserve to remain in the government service and should accordingly be removed therefrom.

We, however, note that respondent has not reported for work since April 2000 nor informed COSLAP of his whereabouts. Concededly, the imposition upon him of the penalty of dismissal from the service would be plain supererogation or vain superfluity.

Be that as it may, the government is not left without recourse against respondent who should be made to account for his transgression. And the remedy therefore is to impose upon respondent the accessory penalties to dismissal from the service. Under Section 9, Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 (Administrative Code of 1987), the penalty for dismissal shall carry with it the cancellation of eligibility, forfeiture of leave credits and retirement benefits, and disqualification for reemployment in the government service.

WHEREFORE, and as recommended by the Secretary of Justice, former Commissioner Rufino V. Mijares, Commission on the Settlement of Land Problems, is hereby found guilty of grave misconduct and imposed upon him the accessory penalties of cancellation Civil Service eligibility and forfeiture of all leave credits and retirement benefits, as well as disqualification for reemployment and/or reinstatement in the government service.

Done in the City of Manila this 11th day of April, in the year of Our Lord, two thousand and three.

By authority of the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). [*Administrative Order Nos.: 1 - 110-A*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 70
STRENGTHENING OF THE INTERNAL CONTROL SYSTEMS OF GOVERNMENT
OFFICES, AGENCIES, GOVERNMENT-OWNED AND/OR CONTROLLED CORPORATIONS,
INCLUDING GOVERNMENT FINANCIAL INSTITUTIONS, STATE UNIVERSITIES AND
COLLEGES AND LOCAL GOVERNMENT UNITS

I, **GLORIA MACAPAGAL-ARROYO**, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *Creation of Internal Audit Service.* – All heads of government offices, agencies, government-owned and/or controlled corporations, including government financial institutions, State Universities and Colleges (SUCs) and local government units, shall organize an Internal Audit Service (IAS) in their respective offices.

The IAS shall be an integral part of the office and shall assist in the management and effective discharge of the responsibilities of the office, without intruding into the authority and mandate of the Commission on Audit (COA) granted under the Constitution. It shall function in accordance with the policies established by the provisions of Republic Act No. 3456 as amended by Republic Act No. 4177.

The IAS shall be provided with sufficient support from the top management to gain the cooperation/confidence of the auditee.

SEC. 2. *Conduct of Internal Audit.* – Internal Audit shall be performed with proficiency and due professional care, in accordance with the following, to wit:

1. The IAS shall ensure that the technical proficiency and educational background of internal auditors are appropriate for the audit to be performed;
2. Internal auditors shall possess/obtain the knowledge, skills and discipline needed to carry out the audit responsibilities of the IAS;
3. The IAS shall ensure that internal audits are properly supervised and performed with due professional care;
4. The IAS shall conduct the audit in conformity with International Standards for the Professional Practice of Internal Auditing; and
5. The Code of Ethics promulgated by the Association of Government Internal Auditors (AGIA) shall be strictly observed to maintain high standards of honesty, objectivity, diligence and loyalty.

SEC. 3. *Standard of the Internal Auditing Profession.* – The head/chief of IAS shall ensure that internal audit practices, methods and procedures in the agency are improved and updated through continuing education. The AGIA shall ensure that all audit works in all government agencies are conducted in conformity with the standards of the internal audit profession.

SEC. 4. *Personnel Complement.* – Agencies without IAS shall immediately organize one. The head of the agency shall review the organizational structure and personnel complement and convert existing

vacant positions and/or parallel positions of incumbents in the agency necessary for the creation/strengthening of the IAS.

SEC. 5. *Monitoring and Reporting.* – All heads of agencies are hereby directed to submit a report of compliance to the Office of the President through the Office of the Executive Secretary within one (1) year from the date of effectivity of this Order. Subsequently, the accomplishment of the IAS shall be included in the Agency Annual Report.

SEC. 6. *Transitory Provision.* – All incumbent Internal Auditors and those performing internal audit functions per AO No. 278, s. of 1992 shall continue to perform internal audit functions. Their position title shall be reclassified to Internal Auditor positions.

SEC. 7. *Repealing Clause.* – All issuances, orders, guidelines, rules and regulations inconsistent herewith are hereby revoked.

SEC. 8. *Effectivity.* – This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 14th day of April, in the year of our Lord, two thousand and three.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) ALBERTO G. ROMULO

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). [*Administrative Order Nos.: 1 - 110-A*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 71
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON PROVINCIAL
PROSECUTOR LUIS R. MARCAIDA OF THE PROVINCIAL PROSECUTOR'S OFFICE OF
PALAWAN

This refers to the formal administrative charge filed against respondent Provincial Prosecutor (PP) Luis R. Marcaida (hereinafter referred to as respondent), Provincial Prosecutor's Office, Palawan, docketed as NPS Adm. No. 98-0008, entitled "Cynthia Lyn Parreñas et al. vs. Provincial Prosecutor Luis R. Marcaida" for gross misconduct (violation of Sec. 3(e) of R.A. No. 3019 in relation to Sec. 5, Art. III of R.A. No. 7610 and Art. 335 of the Revised Penal Code).

The instant case arose from a complaint filed by Cynthia Lyn Parreñas and her father Toribio Parreñas against respondent for having repeatedly engaged in sexual intercourse with Cynthia Lyn, then a seventeen (17) year-old minor, between the period from June 12, 1997 to January 23, 1998 while complainant was entrusted by her parents to herein respondent to work as his household helper on the promise that the latter will take care of her education and welfare, and during the period when respondent was handling the prosecution of the rape case which Cynthia Lyn filed against a certain Rio Caballero docketed as Crim. Case No. 11401 entitled "People of the Philippines vs. Rio Caballero", pending before Regional Trial Court (RTC), Branch 49, Puerto Princesa City, Palawan.

The facts of the case are as stated in the letter-recommendation dated December 18, 2000 of then DOJ Secretary Artemio G. Tuquero finding respondent guilty and liable for gross misconduct and recommending his dismissal from the service, which is hereby adopted *in toto*, a copy of which is hereto attached as Annex "A", and made an integral part hereof.

WHEREFORE, as recommended by the Secretary of Justice, respondent Provincial Prosecutor Luis R. Marcaida is hereby found guilty of gross misconduct and is **DISMISSED** from the service, with forfeiture of all retirement benefits with prejudice to his reemployment in any branch or agency of the government, including government-owned or controlled corporations effective upon receipt of this Order.

Done in the City of Manila, this 28th day of April, in the year of Our Lord, Two Thousand Three.

By authority of the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 72

DIRECTING THE PREVENTIVE SUSPENSION OF DIRECTOR RICARDO B. MACALA OF THE BUREAU OF CORRECTIONS FOR NINETY DAYS PENDING HIS ADMINISTRATIVE INVESTIGATION BY THE PRESIDENTIAL ANTI-GRAFT COMMISSION, AND AUTHORIZING THE SECRETARY OF JUSTICE TO DESIGNATE AN INTERIM OFFICER-IN-CHARGE FOR THE BUREAU OF CORRECTIONS.

WHEREAS, Director Ricardo B. Macala of the Bureau of Corrections is the subject of a complaint for grave misconduct/unexplained wealth and nepotism instituted by certain concerned employees of the Bureau of Corrections;

WHEREAS, Senior State Prosecutor Teresita Reyes-Domingo, the fact-finding investigator designated by Secretary of Justice Simeon Datumanong, found sufficient bases to charge Director Macala for said offenses, and thus recommended the filing of formal charges, the referral of the case to the Presidential Anti-Graft Commission (PAGC), and the preventive suspension of Director Macala to avoid tampering, destruction, substitution or loss of important documents, and the harassment of witnesses;

WHEREAS, the entire records of the case has been transmitted PAGC for formal investigation;

WHEREAS, PAGC has recommended that Director Macala be placed under Preventive Suspension for a Period of Ninety (90) days considering the gravity of the charges imputed against him and to avoid tampering, destruction, substitution or loss of important documents, and the harassment of witnesses pending investigation of his case by PAGC;

WHEREAS, Book V, Title I, Subtitle A, Chapter 6, Section 51 of the Administrative Code of 1987 provides legal basis for the President as the proper disciplining authority to preventively suspend a Presidential appointee pending an investigation;

NOW, THEREFORE, I, ALBERTO G. ROMULO, Executive Secretary, by authority of Her Excellency, **GLORIA MACAPAGAL-ARROYO**, President of the Republic of the Philippines, do hereby order the **Preventive Suspension of Director Ricardo B. Macala of the Bureau of Corrections, for a period of Ninety (90) Days** commencing from receipt of this Order, considering the gravity of charges imputed against him, and to avoid tampering, destruction, substitution or loss of important documents, and the harassment of witnesses pending investigation of his case by PAGC.

To ensure the continuity of the operations of the Bureau of Corrections, and to prevent any possible disruption of the orderly and efficient delivery of its services, the Secretary of Justice, having control and supervision of the Bureau, is hereby authorized and empowered to designate, an interim Officer-In-Charge of the Bureau, who shall perform all functions and discharge all the responsibilities of the Director during the effectivity of the preventive suspension of Director Ricardo B. Macala.

This Administrative Order shall take effect immediately.

City of Manila, 29 APR 2003

By authority of the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 73
DIRECTING THE ORGANIZATION AND IMPLEMENTATION OF ACTIVITIES AND
PROGRAMS TO CELEBRATE PHILIPPINE INDEPENDENCE DAY ON JUNE 12, 2003

WHEREAS, there is a need for the Filipino people to commemorate the heroism, and self-sacrifice of our forefathers in the struggle for independence;

WHEREAS, the 105th anniversary of the proclamation of Philippine Independence is the ideal occasion for all Filipinos to unite and rally behind the government and the country's institutions;

WHEREAS, there is a need to properly plan, implement and coordinate all programs and activities leading to the said celebration.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order;

SECTION 1. The Secretary of Tourism is hereby designated to take the lead in the planning, coordination, implementation and conduct of programs and activities in the celebration of Philippine Independence Day 2003.

SEC. 2. All departments, bureaus, offices, national government agencies, local government units and government-owned and controlled corporations are hereby enjoined to give full support, assistance and cooperation to the Secretary of Tourism in the exercise of his responsibilities under this Order.

SEC. 3. All branches of government are enjoined to participate in the Independence Day Celebration as well as to enlist the participation of the private sector groups and the non-government organizations so that the 105th Philippine Independence Day celebration will be a show of unity and strength during these challenging times.

Local government units together with the private sector and the NGOs are likewise enjoined to celebrate Philippine Independence Day in their respective localities.

SEC. 4. The programs and events for the Philippine Independence Day celebration shall include, to the extent appropriate, the following:

- a. *Pambansang Araw ng Watawat* (Philippine National Flag Day) on May 28 as the kick-off ceremony for the two week Pagdiriwang ng Malayang Filipino (Philippine Independence Day Festival) to be conducted from May 28 to June 12 2003.
- b. Raising of the national flag and wreath-laying at the Rizal monument in the Rizal Park on June 12, 2003 at about 7:00 in the morning.

This activity shall be replicated in places of national historical significance such as the Barasoain Church in Malolos, Bulacan; Aguinaldo Shrine in Kawit, Cavite; the Bonifacio Monument in Kalookan City; Mausoleo de los Veteranos de la Revolucion at the Manila North Cemetery and at the Pinaglabanan Shrine in San Juan, Metro Manila.

All other cities and municipalities around the country are enjoined to simultaneously hold similar activities on the same day and time.

- c. The Philippine Independence Day Parade at the Quirino Grandstand in the afternoon of June 12 which shall be made meaningful, and relevant to the theme of the celebration, to be followed by a special cultural program and a fireworks display in the evening.

SEC. 5. In support of the 105th Philippine Independence Day celebration, all concerned government agencies and local government units are, subject to budgetary laws and issuances, authorized to allocate such amounts as may be necessary to defray expenses for said event.

SEC. 6. The release of **TEN MILLION PESOS (P10,000,000.00)** chargeable against the President's Contingent Fund for FY 2003 is hereby authorized to carry out the provisions of this Administrative Order.

Fund augmentation thereon, as may be necessary, shall be sourced from any of the regular items in the 2003 General Appropriations Act or from such other sources as may be determined by the Department of Budget and Management.

SEC. 7. This Administrative Order shall take effect immediately.

DONE, in the City of Manila, this 17TH day of MAY, in the year of Our Lord, two thousand three.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 74

IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON P/SSUPT CESAR O. MANCAO II OF THE PHILIPPINE NATIONAL POLICE FOR ALLEGED SERIOUS NEGLECT OF DUTY (AWOL).

Before this Office is the administrative case against Police Senior Superintendent Cesar O. Mancao II for alleged Serious Neglect of Duty (AWOL).

On 17 September 2001, this Office issued a presidential clearance for the PNP to conduct administrative investigation against the subject PNP officer for the aforesaid offense.

Pursuant to the directive, Police Senior Superintendent Meynardo L. Beltran conducted summary hearing, and on March 22, 2002, recommended the dismissal of the subject officer from the service. A copy of the Resolution dated March 22, 2002 is hereto attached as Annex “A” and made an integral part hereof. The recommendation was concurred in by Police Director Lucas Managuelod and then PNP Chief, Leandro R. Mendoza.

The National Police Commission (NAPOLCOM), after judicious review, concurred with the above recommendation of the PNP Chief. This concurrence was indicated in the Memorandum to the President dated April 5, 2003 of Jose D. Lina, Jr., Chairman, NAPOLCOM.

Section 42 of Republic Act (RA) No. 6975, as amended by Section 53 of RA 8551, provides the following:

“SEC. 42. Summary Dismissal Powers of the National Police Commission, PNP Chief, and the PNP Regional Directors. – The National Police Commission, the Chief of the PNP and the PNP regional directors, after due notice and summary hearings, may immediately remove or dismiss any respondent PNP member in any of the following cases:

X X X

X X X

X X X

Any member or officer of the PNP who shall go on absence without Official leave (AWOL) for a continuous period of thirty (30) days or more shall be dismissed immediately from the service. His activities and whereabouts during the period shall be investigated and if found to have committed a crime, he shall be prosecuted accordingly.” (italics ours)

There is no doubt that subject PNP officer has not been seen or heard shortly after former President Joseph Estrada left his post in January 2001. To date, he has not reported to his new assignment at the Headquarters Support Service, nor appeared during the investigation of the instant case and is presumed to have left the country to avoid prosecution. Accordingly, his dismissal from the police service is in order.

WHEREFORE, and as recommended by the PNP Chief and the NAPOLCOM, Police Senior Superintendent Cesar O. Mancao II is hereby **DISMISSED** from the police service.

SO ORDERED.

Manila, Philippines, JUN 02 2003

By authority of the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 75
CREATING THE CABINET OVERSIGHT COMMITTEE ON THE NINYOY AQUINO
INTERNATIONAL PASSENGER TERMINAL III AND FOR OTHER PURPOSES

WHEREAS, on May 5, 2003, the Supreme Court *En Banc*, in the consolidated cases of *Demosthenes B. Agan, Jr., et al., vs. Philippine International Air Terminals Co., Inc. (PIATCO), et al.*, G.R. No. 155001; *Salacnib F. Bateria, et al., vs. PIATCO, et al.*, G.R. No. 155547 and *Ceferino C. Lopez, et al., vs. PIATCO, et al.*, G.R. No. 155661, set aside for being null and void the award of the contract for the construction, operation and maintenance of the Ninoy Aquino International Passenger Terminal III (“NAIA Terminal III”), as well as the “Concession Agreement for the Build-Operate-and-Transfer Arrangement for the Ninoy Aquino International Passenger Terminal III”; “Amended and Restated Concession Agreement”; and all the Supplements thereto;

WHEREAS, there is a need to effectively coordinate and integrate government efforts to move forward on the basis of the decision of the Supreme Court and applicable laws;

WHEREAS, Section 17, Article VI of the Constitution provides that the President shall have control of all the executive departments, bureaus and offices and shall ensure that the laws are faithfully executed;

WHEREAS, Section 31, Chapter 10, Title III, Book III of Executive Order No. 292, Series of 1987, otherwise known as the “Administrative Code of 1987”, provides that the President shall have continuing authority to reorganize the administrative structure of the Office of the President.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested on me by law and the Constitution, do hereby order the following:

SECTION 1. *Creation of the Cabinet Oversight Committee on the Ninoy Aquino International Passenger Terminal III.* – A Cabinet Oversight Committee on the NAIA Terminal III is hereby constituted, composed of the following:

Secretary of Trade and Industry	Chairman
Secretary of Transportation and Communication	Member
Secretary of Tourism	Member

The Cabinet Oversight Committee on the NAIA Terminal III shall be assisted by the Solicitor General and the Government Corporate Counsel.

SECTION 2. *Mandate.* – The Cabinet Oversight Committee on the NAIA Terminal III shall have the following mandate:

- a. On the basis of the decision of the Supreme Court and applicable laws, formulate and adopt the necessary and appropriate courses of action to ensure that the NAIA Terminal III is completed, opened and operated in the most practicable time, subject to the approval of the Office of the President;

- b. Implement the necessary and appropriate courses of action in coordination with the Manila International Airport Authority (MIAA);
- c. Represent the government in all discussions with concerned parties to resolve issues relating to the completion, opening and operation of NAIA Terminal III;
- d. Coordinate with the MIAA and call upon all departments, bureaus and offices of the Executive Department to ensure efficiency in the discharge of their functions in relation to the completion, opening and operation of the NAIA Terminal III;
- e. Oversee and monitor all government action in relation to the completion, opening and operation of the NAIA Terminal III.
- f. Recommend all necessary and appropriate courses of action to resolve further issues that may arise from time to time regarding the completion, opening and operation of the NAIA Terminal III;
- g. Perform such other functions as the President may direct.

The Cabinet Oversight Committee on the NAIA Terminal III shall render periodic reports to the Office of the President.

SECTION 3. *Effectivity* – This Order shall take effect immediately upon approval.

City of Manila, June 25, 2003.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). [*Administrative Order Nos.: 1 - 110-A*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 76

GUIDELINES FOR THE IMPLEMENTATION OF RA 9187, AN ACT DECLARING JUNE 30 AS PHILIPPINE-SPANISH FRIENDSHIP DAY, AND DESIGNATING A SECRETARIAT THEREFOR

WHEREAS, Republic Act No. 9187 has declared the 30th of June each year as Philippine-Spanish Friendship Day, to commemorate the cultural and historical ties, friendship and cooperation between the Philippines and Spain;

WHEREAS, the event has been declared a national special working holiday and a non-working holiday in Aurora Province;

WHEREAS, pursuant to Section 3 of said Act, the National Historical Institute (NHI) shall be responsible for the formulation of the implementing rules and regulations necessary for the proper execution thereof;

WHEREAS, pursuant to Section 4 of said Act, an Inter-Agency Committee shall be tasked to organize activities in commemoration of this day.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Implementation. The National Historical Institute (NHI), shall be responsible for the implementation of this Administrative Order.

SEC. 2. Inter-Agency Committee. The Inter-Agency Committee as provided for in Section 4 of Republic Act No. 9187 is composed of the following:

Secretary of Foreign Affairs	- Chairman
Executive Director of the National Historical Institute	- Co-Vice Chair
Mayor, Baler, Aurora	- Co-Vice Chair
Undersecretary, DOT for Tourism Promotions	- Member
Undersecretary, DepEd	- Member
Chairperson, NCCA	- Member
Chairperson, Department of History University of the Philippines, Diliman	- Member
Phil. Ambassador to the Kingdom of Spain	- Ex-officio member
Spanish Ambassador of the Republic of the Philippines	- Ex-officio member

SEC. 3. Functions of the Committee. The functions of the Committee are the following:

1. The Chairman, through the Secretariat, may issue all corresponding orders and instructions to ensure proper planning and implementation of commemorative activities.

2. The Committee may organize sub-committees, as may be necessary, to form working groups to properly implement proposed activities.
3. The Committee can call upon other private and public agencies to provide technical and logistic support for the success of the activities.
4. The Committee can create an Advisory Board for the planning of work programs and approval of projects for this purpose. The Committee may invite prominent personages to sit in the said board.

SEC. 4. Meeting of the Committee. The Committee shall meet once every quarter. The Committee, however, may meet as often as may be required by the Chairman with a regular quorum of five (5) members. With less than five (5) members, the Committee may meet as an Executive Committee.

SEC. 5. Secretariat. The National Historical Institute (NHI), pursuant to Section 3 of R. A. 9187, shall serve as the Secretariat for the Inter-Agency Committee and shall provide the technical and administrative support. The Department of Foreign Affairs staff shall be assigned as members of the Secretariat. The NHI Executive Director is authorized to convene meetings of the Secretariat on regular basis.

SEC. 6. Funding. The Committee, through the Secretariat, shall prepare the annual budget of FIFTEEN MILLION PESOS (15,000,000) for the celebration of the Philippine-Spanish Friendship Day. The fund shall be provided under the annual budget of the National Historical Institute in the General Appropriations Act. Thirty percent (30%) of the fund shall be earmarked for research and development.

SEC. 7. Effectivity. This Order shall take effect immediately.

Done in the City of Manila, this 30th day of June, in the year of Our Lord, Two Thousand and Three.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). [*Administrative Order Nos.: 1 - 110-A*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 77

CREATING A COMMISSION TO CONDUCT A FACT-FINDING INVESTIGATION OF THE
ESCAPE OF FATHUR ROHMAN AL-GHOZI, ABDULMUKIM ONG EDRIS, AND OMAR
OPIK LASAL AND RECOMMEND COMPREHENSIVE MEASURES TO PREVENT THE
OCCURRENCE OF SIMILAR INCIDENTS IN THE FUTURE

I, **GLORIA MACAPAGAL-ARROYO**, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *Creation.* – There is hereby created a Commission which shall investigate all the facts and circumstances of the escape from detention of Fathur Rohman Al-Ghozi, Abdulmukim Ong Edris and Omar Opik Lasal, and recommend comprehensive measures to prevent similar incidents in the future.

SECTION 2. *Composition.* – The Commission shall be composed of a Chairman and two (2) members, who shall be appointed by the President.

SECTION 3. *Powers and Functions.* – The Commission shall have all the powers of an investigative body under Section 37, Chapter 9, Book I of the Administrative Code of 1987, including the power to summon witnesses, administer oath, take testimony or evidence relevant to the investigation and to issue compulsory processes to produce documents, books, records and such other matters, in the performance of its functions.

SECTION 4. *Tenure and Turn Over of Records.* – The Commission is hereby given thirty (30) days from its constitution, to conclude its fact-finding investigation and submit to the Office of the President, through the Executive Secretary, its findings and recommendations together with the complete records of its investigation.

SECTION 5. *Secretariat.* – The Department of Justice shall establish a secretariat for the technical and staff support of the Commission. For this purpose, the Secretary of Justice is hereby authorized to detail any personnel from the Department of Justice to assist the Commission.

SECTION 6. *Role of Other Government Agencies.* – The departments, bureaus, offices, agencies and instrumentalities of government are hereby directed to extend such assistance and cooperation as the Commission may require in the discharge of its functions.

SECTION 7. *Funding.* – Funding for the operation of the Commission shall be sourced from the Office of the President.

SECTION 8. *Effectivity.* – This Administrative Order shall take effect immediately.

City of Manila, July 18, 2003.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 78
CREATING A COMMISSION TO CONDUCT A FACT-FINDING INVESTIGATION OF THE 2003
REBELLION

WHEREAS, the rebellion of misguided military officers last July 27 is deplorable and must be met with the full force of the law, including their political component;

WHEREAS, such actions signal an underlying problem that must be addressed.

NOW, THEREFORE, I, GLORIA MACAPAGAL ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. There is hereby created a Commission, hereinafter referred to as the Commission, to investigate the roots of the rebellion and the provocations that inspired it.

The Commission shall be composed of the following:

Chairman	:	Retired Supreme Court Justice Florentino P. Feliciano
Members	:	Retired Supreme Court Justice Minerva Gonzaga Reyes Joaquin G. Bernas, S.J. Professor Carolina G. Hernandez Commodore Rex C. Robles (Ret.) Capt. Rex Banjo Q. Bumanlag, PA

SECTION 2. The Commission is hereby granted the power of an investigating body under Section 37, Chapter 9, Book I of the Administrative Code of 1987 including the power to summon witnesses, administer oaths, take testimony or evidence relevant to the investigation, and to issue compulsory processes to produce documents, books records and such other matters, in the performance of its function.

Any person who, without lawful excuse, fails to appear upon summons issued under the authority of the preceding paragraph or who, appearing before the Commission, refuses to take oath, give testimony or produce documents for inspection, when thereunto lawfully required, shall be subject to discipline as in the case of contempt of court upon application of the Commission before the proper court, in the manner provided for by law.

SECTION 3. The Commission is hereby authorized to engage the services of resource persons, professionals and other personnel which may be necessary to carry out its functions.

SECTION 4. The Office of the President shall establish a Special Secretariat for the technical and staff support of the Commission. For this purpose, the Executive Secretary is hereby authorized to detail any personnel from any government office to assist the Commission

SECTION 5. The Commission is hereby authorized to deputize the Armed Forces of the Philippines, the National Bureau of Investigation, the Philippine National Police, and any other law enforcement agency to assist it in the performance of its functions

SECTION 6. The departments, bureaus, offices, agencies or instrumentalities including government owned or controlled corporations are hereby directed to extend such assistance and cooperation as the Commission may need in the discharge of its functions.

SECTION 7. The Office of the President shall provide the necessary funds for the operations of the Commission.

SECTION 8. The Commission shall evaluate all the facts and circumstances surrounding the rebellion, its roots, and the provocations that inspired it, and submit its findings and recommendations to the President of the Philippines.

SECTION 9. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 30TH day of July, in the year of our Lord, two thousand and three.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 79
DESIGNATING THE BANGKO SENTRAL NG PILIPINAS AS THE EXCLUSIVE
MANUFACTURER OF PRESIDENTIAL MEDALS AND DECORATIONS

WHEREAS, the Bangko Sentral ng Pilipinas (BSP), as the central monetary authority, has the exclusive authority to issue Philippine coins and to prescribe the design, fineness and other characteristics thereof;

WHEREAS, the BSP Mint has the equipment and skilled technicians trained abroad in the exacting art of manufacturing state and military medals and decorations;

WHEREAS, presidential medals and decorations, being official symbols of the presidency, should be the product of superior workmanship and artistic excellence;

WHEREAS, the BSP has the capacity and has expressed willingness to undertake the manufacture, as is the practice in other countries, of presidential and other state medals and decorations;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by the power vested in me by law, do hereby order:

Section 1. – The Bangko Sentral ng Pilipinas is hereby designated as exclusive manufacturer and supplier of presidential medals and decorations, subject to existing agreements, if any, entered into by the Office of the President with medal and decoration manufacturers. For this purpose, the Historical Affairs Office and the Protocol Office shall continue consultations with the BSP with respect to the manufacture of these items, to include the drafting of technical and gender-friendly drawings for these decorations to replace the original, but missing, specifications;

Sec. 2. – Other agencies, particularly the Department of Foreign Affairs, the Department of National Defense and the Armed Forces of the Philippines, are encouraged, as a cost-saving measure and to maximize the revenue-generating potential of a government instrumentality, to tap the services of the BSP for their medal and decoration requirements, subject to existing laws on procurement.

Sec. 3. – All issuances, rules and regulations inconsistent herewith are superseded or modified, accordingly.

Sec. 4. – This Order shall take effect immediately.

Done in the City of Manila, this 4th day of August, in the year of our Lord, two-thousand and three.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) ALBERTO G. ROMULO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 80
ESTABLISHING A HOUSING COMMITTEE IN ALL DEPARTMENTS, NATIONAL
GOVERNMENT AGENCIES INCLUDING GOVERNMENT-OWNED AND CONTROLLED
CORPORATIONS AND ITS INSTRUMENTALITIES AND DEFINING ITS FUNCTIONS

WHEREAS, Section 9 of Article XIII of the Philippine Constitution provides that the State shall undertake, in cooperation with the private sector, a continuing program of urban land reform and housing which will make available at affordable cost decent housing and basic services to underprivileged and homeless citizens in urban centers and resettlement areas; and,

WHEREAS, there is a need to ascertain the housing needs and capacity of public sector employees to ensure the development of a housing program/project that is responsive to them.

NOW THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order all Departments, Government Agencies including GOCCs and its instrumentalities to create a housing committee in their respective department/agency that shall perform the following functions:

1. Conduct, in coordination with the Housing and Urban Development Coordinating Council (HUDCC) and concerned key shelter agencies (KSAs), an in-house survey to determine employees' housing needs and capabilities; and,
2. Formulate and implement, in coordination with HUDCC and concerned KSAs and Government-Owned and Controlled Corporations, a housing program/project responsive to the needs of employees.

All issuances, orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Administrative Order are hereby repealed or modified accordingly.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 11th Day of Aug., Two Thousand and Three.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 81

WHEREAS, the Conservation of Priority Protected Areas project (“the Project”) was designed to implement Republic Act No. 7586, otherwise known as the National Integrated Protected Areas System Law;

WHEREAS, the Global Environment Trust Fund financed the Project through a Graft Agreement involving the amount of US\$20 Million, of which US\$2.87 Million was coursed through the Government of the Republic of the Philippines (GRP), represented by the Department of Environment and Natural Resources (DENR), and US\$17.13 million of which was coursed through the NGO’s for Integrated Protected Areas, Inc. (NIPA), a non-government entity organized under the laws of the Philippines;

WHEREAS, the International Bank for Reconstruction and Development (the World Bank) and the GRP have decided to grant financing for the Project through NIPA to ensure that it is implemented in the most efficient and cost-effective manner;

WHEREAS, a review undertaken by the World Bank Supervision Mission in June 2001, on the Project’s implementation concluded that improper deviation from the scope of the Grant Agreement were committed by NIPA officials and employees and that some DENR employees were guilty of irregular conduct;

WHEREAS, to protect the integrity of the grant implementation processes, there is a need to investigate the allegations made by the World Bank, to pinpoint responsibility for any wrongful act or omission.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do order that:

1. There is hereby created an investigation team (“the Team”) to be composed of five (5) members, two (2) each from the DENR and the Department of Finance (DOF), and one (1) from the Department of Justice. The Team shall be chaired by the representative from the DOJ.
2. The Team shall evaluate the review-report of the World Bank Supervision Mission and, shall, if necessary, conduct its own investigation to determine whether any irregularity existed in the Project’s implementation;
3. The Team shall submit a report on its findings, with its recommendation on the corrective, preventive, or punitive measures that should be implemented. The Team shall also cause the filing of criminal, civil or administrative charges, as the case may be, against any person responsible for any irregularity.
4. The DENR shall extend secretariat support to the team and provide it with the necessary equipment and supplies, document safekeeping and other related services, as well as shoulder all incidental expenses relative to the work of the Team.
5. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 11th day of August, in the year of Our Lord, Two Thousand and Three.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) ALBERTO G. ROMULO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 82
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE OF P/SSUPT MICHAEL RAY
B. AQUINO OF THE PHILIPPINE NATIONAL POLICE FOR ABSENCE WITHOUT OFFICIAL
LEAVE (AWOL).

Before this Office is the administrative case against Police Senior Superintendent Michael Ray B. Aquino of the Administrative Holding Office, Headquarters Support Service, Philippine National Police (PNP), for alleged Absence Without Official Leave (AWOL) for more than thirty (30) days effective August 1, 2001 up to the present.

On 10 July 2001, this Office issued a presidential clearance for the PNP to conduct administrative investigation against the subject PNP officer for the aforesaid offense.

In his letter-report dated 12 April 2002, PNP Chief Director General Leandro R. Mendoza found P/SSupt Aquino guilty of the offense charged and recommended his dismissal from the police service. A copy of the letter-report is attached hereto as Annex "A" and made an integral part hereof.

The Presidential Adviser for Police Affairs, in his Memorandum of 10 May 2002, concurred with the above recommendation of the PNP Chief with prejudice to future re-entry to the police service.

Section 42 of Republic Act (RA) No. 6975, as amended by Section 53 of RA 8551, provides the following:

"SEC. 42. Summary Dismissal Powers of the National Police Commission, PNP Chief, and the PNP Regional Directors. – The National Police Commission, the Chief of the PNP and the Chief of the PNP regional directors, after due notice and summary hearings, may immediately remove or dismiss any respondent PNP member in any of the following case.

x x x

x x x

x x x

Any member or officer of the PNP who shall go on absence without Official leave (AWOL) for a continuous period of thirty (30) days or more shall be dismissed immediately from the service. His activities and whereabouts during the period shall be investigated and if found to have committed a crime, he shall be prosecuted accordingly." (italics ours)

There is no doubt that subject PNP officer has not been seen or heard shortly after former President Joseph Estrada left his post in January 2001. To date, he has not reported to his new assignment at the Administrative Holding Office, Headquarters Support Service nor appeared during investigation of the instant case. Accordingly, his dismissal from the police service is in order.

WHEREFORE, as recommended by the PNP Chief and NAPOLCOM, Police Senior Superintendent Michael Ray B. Aquino is hereby **DISMISSED** from the police service with prejudice to future re-entry into the police service.

SO ORDERED.

Manila, Philippines, 10 SEP 2003

By authority of the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 83
DIRECTING SUPPORT TO THE QUINALE DEVELOPMENT CONSORTIUM

WHEREAS, the municipalities of Polangui, Oas and Libon, all from the Third District, Province of Albay, have organized themselves into the Quinale Development Consortium;

WHEREAS, the Quinale Development Consortium seeks to consolidate and coordinate the efforts and resources of the municipalities of Polangui, Oas and Libon to enhance the delivery of social services, promote business development and create employment opportunities and improve the quality of life of the people within their jurisdiction;

WHEREAS, such initiative by the municipalities of Polangui, Oas and Libon is consistent and supportive of the national policy on local autonomy and thus deserves recognition and support from the National Government;

NOW, THEREFORE, I, GLORIA MACAPGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby direct all government agencies to extend the necessary support and assistance to the **QUINALE DEVELOPMENT CONSORTIUM (QDC)**, particularly in the implementation of its programs and projects. The QDC shall pursue the coordinated development of the municipalities of Polangui, Oas and Libon, the provision of adequate social services, promote business development, create employment opportunities and improve the quality of life of the people within its jurisdiction.

The amount of **ONE MILLION PESOS (P1,000,000.00)**, to be taken from the Presidential Social Fund, shall be made available to the QDC upon the submission of a proposed 12-month development program.

This Administrative Order shall take effect immediately.

Done, in the City of Manila, this 15th day of SEP., in the year of our Lord, Two Thousand and Three.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 84

**CREATING A COMMISSION TO CONDUCT AN INDEPENDENT FACT-FINDING
INVESTIGATION OF ALLEGATIONS OF MILITARY INVOLVEMENT IN THE MARCH 4,
APRIL 2 AND APRIL 3, 2003 BOMBINGS IN DAVAO CITY**

I, **GLORIA MACAPAGAL-ARROYO**, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *Creation.* – There is hereby created a Commission, hereinafter referred to as the Commission, to conduct an independent fact-finding investigation of allegations of military involvement in the March 4, April 2 and April 3, 2003 bombings in Davao City.

SECTION 2. *Composition.* – The Commission shall be composed of the following:

Chairman : Rev. Father Pedro B. Maniawang
Members : Anita Alfelor Alagaban
 Joji Ilagan Bian
 Naguib G. Sinarimbo
 a representative from the Department of Justice (DOJ)

SECTION 3. *Powers and Functions.* – The Commission shall have the following powers and functions:

- a. Possess all the powers of an investigative body under Section 37, Chapter 9, Book I of the Administrative Code of 1987, including the power to summon witnesses, administer oath, take testimony or evidence relevant to the investigation and to issue compulsory processes to produce documents, books, records and such other matters, in the performance of its functions;
- b. Call upon any agency of the Government for such assistance as it may require in the discharge of its functions; and
- c. Perform any and all acts as may be necessary and appropriate to implement this Order, subject to the approval of the President.

SECTION 4. *Tenure and Turn Over of Records.* – The Commission is hereby given thirty (30) days from its constitution, to conclude its investigation and submit to the Office of the President, through the Executive Secretary, its findings and recommendations together with the complete records of its investigation.

SECTION 5. *Secretariat.* – The DOJ shall establish a Special Secretariat for the technical and staff support of the Commission. For this purpose, the Secretary of Justice is hereby authorized to detail any personnel from the DOJ to assist the Commission.

SECTION 6. *Funding.* – Funding for the operation of the Commission shall be sourced from any available funds in coordination with the Department of Budget and Management.

SECTION 7. *Effectivity.* – This Administrative Order shall take effect immediately.
City of Manila, 18 September 2003

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2003). [*Administrative Order Nos.: 1 - 110-A*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 85

**CREATING A PHILIPPINE NATIONAL POLICE REFORM COMMISSION TO CONDUCT A
REVIEW OF THE PHILIPPINE NATIONAL POLICE AND RECOMMEND MEASURES AIMED
AT INSTITUTING REFORMS THEREIN**

WHEREAS, it is the policy of the State to promote peace and order, ensure public safety and further strengthen local government capability aimed towards the effective delivery of basic services to the citizenry through the establishment of a highly efficient and competent police force that is national in scope and civilian in character;

WHEREAS, by virtue of the Department of the Interior and Local Government Act of 1990 (Republic Act [R.A.] No. 6975), the Philippine National Police (PNP) was established to, among others, enforce all laws and ordinances relative to the protection of lives and properties and maintain peace and order and take all necessary steps to ensure public safety;

WHEREAS, a number of problems affect the PNP underscored by the recent escape of detention prisoners and reported negative incidents involving police officers;

WHEREAS, there is a need to conduct a review of these problems affecting the PNP aimed at instituting reforms at all levels of the PNP.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *Creation.* – There is hereby created a Philippine National Police Reform Commission, hereinafter referred to as the Commission, which shall review the various problems affecting the Philippine National Police (PNP) and recommend measures aimed at instituting reforms in the PNP.

SECTION 2. *Composition.* – The Commission shall be composed of the following:

Chairman	:	Former Ambassador Sedfrey A. Ordoñez
Members	:	Secretary Simeon A. Datumanong
		Atty. Miguel B. Varela
		Police Director Hercules G. Cataluña
		one (1) junior PNP officer coming from the PNP Academy
		one (1) retired PNP Officer with the rank of Chief Superintendent or above

SECTION 3. *Powers and Functions.* – The Commission shall have the following powers and functions:

- a. Conduct a review and assessment of the problems affecting the organization, function and operation of the PNP;
- b. Possess all the powers of an investigative body under Section 37, Chapter 9, Book I of the Administrative Code of 1987, including the power to summon witnesses, administer oath, take testimony or evidence relevant to the investigation and to issue compulsory processes

to produce documents, books, records and such other matters, in the performance of its functions;

- c. Engage the services of resource persons, professionals and other personnel which may be necessary to carry out its functions;
- d. Call upon any department, bureau, office, agency and instrumentality of government as it may require in the discharge of its functions;
- e. Recommend comprehensive short-term and long-term policies, strategies and programs aimed at instituting reforms in the PNP;
- f. Perform any and all acts as may be necessary and appropriate to implement this Order, subject to the approval of the President.

SECTION 4. *Tenure and Turnover of Records.* – The Commission is hereby given ninety (90) days from its constitution to conclude its review and submit to the Office of the President, through the Executive Secretary, its findings and recommendations together with the complete records of its review.

SECTION 5. *Secretariat.* – The Department of Justice (DOJ) shall establish a Special Secretariat for the technical and staff support of the Commission. For this purpose, the Secretary of Justice is hereby authorized to detail any personnel from the DOJ to assist the Commission.

SECTION 6. *Funding.* – Funding for the operation of the Commission shall be sourced from any available funds in coordination with the Department of Budget and Management.

SECTION 7. *Effectivity.* – This Administrative Order shall take effect immediately.

City of Manila, SEP 19 2003

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) ALBERTO G. ROMULO

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 86

DIRECTING ALL GOVERNMENT AGENCIES AND INSTRUMENTALITIES, INCLUDING LOCAL GOVERNMENT UNITS, TO RENDER FULL ASSISTANCE AND COOPERATION IN THE CREATION OF APPROPRIATE LINKAGES OF THEIR EXISTING ELECTRONIC DATABASES WITH THE EXECUTIVE INFORMATION SYSTEM OF THE OFFICE OF THE PRESIDENT

WHEREAS, the Office of the President is where policies and decisions affecting the country emanate;

WHEREAS, the Office of the President is committed to the rapid implementation of the government's reform program directed at reducing poverty and improving the quality of life of the Filipino people;

WHEREAS, consistent with State policies as enunciated under Section 24, Article II of the Constitution, which states that: "The State recognizes the vital role of communications and information in nation building", the Office of President has directed the appropriate use of Information and Communications Technology (ICT) as a priority initiative of the bureaucracy in support of the fight against poverty, the ethic of effective implementation by the bureaucracy, and the strengthening of the Republic;

WHEREAS, in view of the critical nature of the Office of the President, there is a need to ensure the timely availability of knowledge and information resources from all government agencies and instrumentalities, including all local government units, through the integration and networking of all Government-owned and/or-managed knowledge repositories, information resources and electronic databases;

WHEREAS, there is a need to quickly and effectively coordinate the integration of collective knowledge and information resources of all government entities;

WHEREAS, the Government envisions an electronic bureaucracy or e-governance;

WHEREAS, THE Government is committed to build on the country's strengths in ICT as a growth sector of the future;

NOW, THEREFORE I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order the following:

SECTION 1. Establishment of the Office of the President Executive Information System (OPEIS). The Head of the Presidential Management Staff (PMS) is hereby directed to immediately establish and maintain the Office of the President Executive Information System.

SECTION 2. Road Map for Establishing the OPEIS. The process of establishing and maintaining the OPEIS shall align to the following road map:

PHASE ONE: INFRASTRUCTURAL EVALUATION

Step 1: Analysis of the existing knowledge management and information resources management infrastructure across all government agencies.

Step 2: Alignment of knowledge management/information resource management and key business strategies of the government bureaucracy.

PHASE TWO: SYSTEMS ANALYSIS, DESIGN AND DEVELOPMENT

Step 3: Design of the integrated knowledge management and information resources management and infrastructure.

Step 4: Audit of existing knowledge/information assets and systems.

Step 5: Organization of the OPEIS management team.

Step 6: Creation of the OPEIS blueprint.

Step 7: Development of the OPEIS.

PHASE THREE: SYSTEMS DEPLOYMENT

Step 8: Deployment of the OPEIS, using a results-driven incremental methodology.

Step 9: Management of change, culture and reward structures.

PHASE FOUR: PROJECT EVALUATION

Step 10: Evaluation of project performance, measurement of project Return on Investment and incremental refinement of the OPEIS.

SECTION 3. Cooperation and assistance of all government agencies and instrumentalities, including local government units. The PMS head or his duly-designated representative may call upon any agency of the Government for such cooperation and assistance as may be necessary in the performance of the tasks to establish and maintain the OPEIS. All heads of departments, agencies, bureaus, offices, government-owned or controlled corporations, and other government instrumentalities, including local government units, are hereby instructed to render full assistance and cooperation, and/or to nominate their chief information officer who shall be directly responsible for rendering such assistance and cooperation in their behalf, and provide such access to information and data as may be required by the Presidential Management Staff in the performance of its tasks to establish and maintain the OPEIS.

Section 4. Funding Support. The funds to support the establishment of the OPEIS shall be sourced from the existing budgets of the Office of the President and the Presidential Management Staff. Fund requirements for the maintenance of the OPEIS for the succeeding years shall be incorporated in the budget proposals of the Presidential Management Staff for congressional action.

SECTION 5. Repealing Clause. All issuances, orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Administrative Order are hereby repealed or modified accordingly.

SECTION 6. Effectivity. This Administrative Order shall take effect immediately.

Done in the City of Manila, 3 November 2003.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 87

AMENDING ADMINISTRATIVE ORDER NO. 180, SERIES OF 1995 AND ADMINISTRATIVE ORDER NO. 384, SERIES OF 1998, INCREASING THE NUMBER OF THE MEMBERS OF THE BOARD OF THE TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY [TESDA] UNDER REPUBLIC ACT NO. 7796

WHEREAS, Section 7 of Republic Act No. 7796, otherwise known as the “*Technical Education and Skills-Development Act of 1994*” [RA 7796], provides that the TESDA Board shall be composed of the Secretary of Labor and Employment as Chairperson, the Secretary of Education, Culture and Sports and the Secretary of Trade and Industry as Co-Chairpersons, and the following as members: Secretary of Agriculture, Secretary of Interior and Local Government and Director-General of the TESDA Secretariat, two (2) representatives from the employer/industry organization, three (3) representatives from the labor sector, and two (2) representatives of the national associations of private technical-vocational education and training institutions;

WHEREAS, pursuant to the same Section of RA 7796, the President is authorized to revise the membership of the TESDA Board whenever the President deems it necessary for the effective performance of the Board’s functions through an administrative order;

WHEREAS, Administrative Order No. 180, Series of 1995, and Administrative Order No. 384, Series of 1998, increased the number of the TESDA Board members to include the Secretary of Science and Technology and the Chairman of the Commission on Higher Education [CHED] as *ex-officio* members, two (2) additional members from the employer/industry organization and three (3) additional members from the labor sector;

WHEREAS, to further encourage and promote active participation from the business and investment sectors in providing technical education and skills development opportunities, the inclusion of two (2) additional members in the TESDA Board is necessary for the effective performance of the TESDA Board’s functions;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *Composition of TESDA Board.* The composition of the TESDA Board is hereby increased to twenty two (22) members, composed of:

A. Eight (8) *Ex-Officio* Members

Secretary of Labor and Employment	Chairperson
Secretary of Education	Vice-Chairperson
Secretary of Trade and Industry	Vice-Chairperson
Secretary of Agriculture	
Secretary of Interior and Local Government	
Secretary of Science and Technology	
CHED Chairman	
Director-General of the TESDA Secretariat	

B. Fourteen (14) Private Sector Representatives

Six (6) from the labor sector

Four (4) from the employer/industry organizations

Two (2) from the national associations of private technical-vocational education and training institutions

Two (2) from the business and investment sectors.

SECTION 2. *Repealing Clause.* Administrative Order No. 180, Series of 1995 and Administrative Order No. 384, Series of 1998, are hereby repealed or modified accordingly. All other executive issuances, rules and regulations or parts thereof which are inconsistent with this Administrative Order are hereby repealed, amended, or modified accordingly.

SECTION 3. *Effectivity.* This Administrative Order shall take effect immediately upon the completion of its publication in the Official Gazette or in a newspaper of general circulation in the country.

City of Manila, NOV 17 2003

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). [*Administrative Order Nos.: 1 - 110-A*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 88
AUTHORIZING THE GRANT OF EXTRA CASH GIFT FOR ALL GOVERNMENT PERSONNEL

WHEREAS, it is the policy of the government to improve the economic welfare of government personnel;

WHEREAS, the government is cognizant of the contribution of government personnel in providing quality service to the Filipino people;

WHEREAS, in spite of very limited financial resources, government agencies exerted commendable efforts in ensuring economy in the use of resources;

WHEREAS, in recognition thereof and in the spirit of the Christmas holiday government personnel shall be granted extra gift;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby direct:

SECTION 1. All personnel of national and local governments, including government-owned and controlled corporations and government financial institutions covered by or following Republic Act. No. 6758 or the Salary Standardization Law (SSL), who have rendered at least a total or an aggregate four (4) months of service during the year and still in service as of October 31, 2003 shall be granted an Extra Cash Gift of Five Thousand Pesos (P5,000.00) each.

SECTION 2. Those who have rendered less than four (4) months service shall also be granted Extra Cash Gift but this shall be pro-rated based on the amount granted to other personnel of the same agency, as follows:

Length of Service	Percentage
3 months but less than 4 months	40%
2 months but less than 3 months	30%
1 month but less than 2 months	20%
Less than 1 month	10%

SECTION 3. Funds needed to implement this Order shall be chargeable as follows:

- a) For national government agencies the amount required shall be charged against:
 - 1) Additional allotment and cash allocation to be released by the Department of Budget and Management to cover P3,500 for each government personnel; and
 - 2) Savings in allotment and cash allocation for additional Extra Cash of P1,500 for each government personnel.
- b) For government-owned and controlled corporations, government financial institutions and local government units (LGUs), the amount shall be charged against their respective funds.

SECTION 4. This Order shall take effect immediately.

DONE in the City of Manila, this 5TH day of December, in the year of Our Lord, Two Thousand and Three.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 89
DIRECTING THE EXECUTIVE DIRECTOR OF THE NATIONAL HISTORICAL INSTITUTE TO
ORGANIZE THE OBSERVANCE OF THE 107TH ANNIVERSARY OF THE MARTYRDOM OF
DR. JOSE RIZAL ON DECEMBER 30, 2003

I, **GLORIA MACAPAGAL-ARROYO**, President of the Philippines, by virtue of the powers vested in me by law, do hereby direct the Executive Director of the National Historical Institute to organize the observance of the 107th death anniversary of Dr. Jose Rizal on December 30, 2003.

The Department of Budget and Management is hereby authorized to release the amount of Two Million Pesos (P 2,000,000.00) from the President's FY 2003 Contingent Fund to defray expenses for the year 2003 activities commemorating the martyrdom of Dr. Jose Rizal.

This Administrative Order shall take effect immediately.

DONE, in the City of Manila this 5th day of December, in the year of our Lord, Two Thousand and Three.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 90

**DIRECTING THE SECRETARY OF FOREIGN AFFAIRS TO ORGANIZE AND SUPERVISE
THE HOSTING OF THE 2004 FORUM FOR EAST ASIA-LATIN AMERICA COOPERATION
(FEALAC) MEETINGS**

WHEREAS, the Philippines, committed to the continued development of closer and meaningful cooperation between East Asia and Latin America, has joined the Forum for East Asia – Latin America Cooperation (FEALAC), which to date is composed of 30 countries, 15 from East Asia – Australia, Brunei, Cambodia, China, Indonesia, Japan, Korea, Laos, Malaysia, Myanmar, New Zealand, Philippines, Singapore, Thailand and Vietnam – and 15 from Latin America – Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Mexico, Panama, Paraguay, Peru, Uruguay and Venezuela;

WHEREAS, the Philippines, as a founding member of FEALAC has actively participated in the activities of FEALAC and is currently the Regional Co-coordinator for East Asia;

WHEREAS, the Philippines will host the FEALAC Sixth Senior Officials Meeting (SOM VI) and Second Foreign Ministers Meeting (FMM II) to be scheduled in January 2004;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Secretary of Foreign Affairs shall organize and supervise the hosting of the 2004 Forum for East Asia-Latin America Cooperation (FEALAC) meetings. As such, the Secretary of Foreign Affairs is tasked to:

- a. Formulate and recommend to the President a preliminary work plan and estimated budget for the proper hosting of the said meetings;
- b. Implement the work plan once approved by the President and supervise and monitor all activities in relations thereto;
- c. Negotiate and conclude agreements and contracts necessary for the attainment of the objectives of this Administrative Order, including contracts of services.

The Secretary of Foreign Affairs may call upon any official, agent, employee, agency or instrumentality of the national or local government for any assistance that may be necessary to carry out the purposes of this Administrative Order.

The DFA Secretary may also invite private individuals and organizations to support the forum.

SEC. 2. Funding – The expenses for this purpose shall be funded by the existing FEALAC funds in the DFA, without prejudice to the DFA Secretary submitting a supplemental budget, all to be drawn from the President's Contingent Fund (2004), subject to existing budgeting, accounting and auditing rules and regulations.

SEC. 3. Guidelines – The DFA Secretary shall adopt such guidelines as may be necessary to achieve the objectives of this Administrative Order.

SEC. 4. Effectivity – This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 15th day of December, in the year of Our Lord, Two Thousand and Three.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) ALBERTO G. ROMULO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2003). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 91
DESIGNATING THE BUREAU OF IMMIGRATION AS THE IMPLEMENTING AGENCY OF
REPUBLIC ACT NO. 9225 OTHERWISE KNOWN AS THE “CITIZENSHIP RETENTION AND
REACQUISITION ACT OF 2003”

WHEREAS, Republic Act (RA) No. 9225, otherwise known as the “Citizenship Retention and Reacquisition Act of 2003”, took effect on September 17, 2003;

WHEREAS, Section 2 of R.A. No. 9225 declares that natural born citizens of the Philippines who become citizens of another country shall be deemed not to have lost their Philippine citizenship under the conditions provided therein;

WHEREAS, R. A. No. 9225 is silent on the agency, body or committee to implement its provisions;

WHEREAS, under the pertinent provisions of the Administrative Code of 1987 (E.O. No. 292), the Bureau of Immigration is principally responsible for the administration and enforcement of immigration, citizenship, alien admission and registration laws;

WHEREAS, in the light of the current developments, there is now an urgent need for a body to oversee the smooth and effective implementation of R.A. No. 9225;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by the powers vested in me by law, do hereby order:

SECTION 1. Implementing Agency – The Bureau of Immigration, in consultation with the Department of Foreign Affairs, the Department of Justice and Office of the Civil Registrar-General, National Statistics Office, is hereby designated as the implementing agency of R.A. No. 9225.

SEC. 2. Functions – The Bureau of Immigration, shall:

- a. Promulgate and issue rules and regulations implementing the provisions of the Citizenship Retention and Reacquisition Act of 2003;
- b. Prescribe appropriate forms and documentary requirements as well as required fees for the processing of applications for retention and reacquisition of Philippine citizenship under the law;
- c. Act as repository of Certificates of Oath of Allegiance, Applications for Retention or Reacquisition of Philippine citizenship, supporting documents and other pertinent documents in pursuance with the requirements of the law and its implementing rules and regulations;
- d. Conduct regular and special meetings with concerned government agencies as may be required for the purpose of monitoring the implementation of the law; and
- e. Perform such other functions and responsibilities as may be directed by the President.

SEC. 3. Procedure – Any person desirous of retaining or reacquiring Filipino citizenship pursuant to R. A. No. 9225 shall file his/her application with the Bureau of Immigration if he/she is in the

Philippines or the Philippine Foreign Service Posts if he/she is abroad. If his/her application is approved he/she shall take his/her oath of allegiance to the Republic of the Philippines, after which he/she shall be deemed to have re-acquired or retained Philippine citizenship.

SEC. 4. Funding – The amount of **TWO MILLION (2,000,000.00) PESOS** is hereby allotted for the implementation of R.A. No. 9225 to be taken from the unappropriated funds of the Office of the President. Thereafter, such amount shall be included in the annual budget of the Bureau of Immigration.

SEC. 5. Effectivity – This Administrative Order shall take effect immediately upon approval.

DONE in the City of Manila, this 12th day of January, in the year of Our Lord, Two Thousand and Four.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2004). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 92

AMENDING ADMINISTRATIVE ORDER NO. 81 DATED AUGUST 11, 2003 CREATING AN INVESTIGATION TEAM TO EVALUATE THE JUNE 2001 FINDINGS OF THE WORLD BANK SUPERVISION MISSION IN THE IMPLEMENTATION OF THE CONSERVATION OF PRIORITY PROTECTED AREAS PROJECT (CPPAP)

WHEREAS, Administrative Order (AO) No. 81 dated August 11, 2003 created an investigation team to evaluate the June 2001 findings of the World Bank Supervision Mission in the implementation of the Conservation of Priority Protected Areas Project (CPPAP);

WHEREAS, such investigation team consists only of government representatives;

WHEREAS, the addition of civil society representatives to the investigation team would provide valuable inputs to the investigation and strengthen collaboration between civil society and government.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby amend Administrative Order No. 81 dated August 11, 2003, by increasing the membership of the investigation team from five (5) to seven (7). The two (2) additional members shall be designated by the Civil Society Counterpart-Council for Sustainable Development (CSC-CSD) to represent civil society.

All other provisions of the said Order shall remain in force.

This Administrative Order shall take immediately.

DONE in the City of Manila, this 20TH day of Jan, in the year of Our Lord, Two Thousand and Four.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2004). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT OF THE PHILIPPINES
MALACANANG

ADMINISTRATIVE ORDER NO. 93
IMPOSING THE ACCESSORY PENALTIES OF CANCELLATION OF ELIGIBILITY, FORFEITURE
OF RETIREMENT BENEFITS AND DISQUALIFICATION FOR REEMPLOYMENT IN THE
GOVERNMENT SERVICE ON RICARDO B. MACALA, FORMER DIRECTOR OF THE BUREAU
OF CORRECTIONS

This refers to the administrative complaint for Grave Misconduct and Nepotism filed by Department of Justice against Ricardo B. Macala, former Director of the Bureau of Corrections.

Records show that on April 2, 2003, the Presidential Anti-Graft Commission (PAGC) received from Department of Justice (DOJ) Secretary Simeon Datumanong a letter-request to investigate respondent Macala on the basis of the fact-finding report submitted by Senior State Prosecutor Teresita Reyes-Domingo recommending the filing of Grave Misconduct and Nepotism charges against respondent for alleged irregularities exposed in a series of newspaper articles and in two (2) anonymous complaints dated January 6 and 21, 2003, respectively, initiated by “concerned” employees of the Bureau of Corrections (BUCOR) Employees Association.

Convinced that sufficient basis exists to conduct an investigation, the PAGC issued an order on May 9, 2003, directing respondent to file a counter-affidavit/verified answer and the parties to attend the preliminary conference scheduled on May 19, 2003. Earlier, respondent had been placed under preventive suspension pursuant to Presidential Administrative Order No. 72, Series of 2003.

In his Counter-Affidavit and Position Paper, respondent stressed, anent the first charge, that the two (2) unsworn and anonymous letter-complaints are downright frivolous and that no substantial evidence has been presented to prove beyond cavil that he is guilty of extortion. He further averred that the amount of P1.5 Million was spent on the rehabilitation of the National Bilibid Prison (NBP) hospital because major, not minor, works were done thereon. To belie the imputation that he received kickbacks out of said rehabilitation, respondent presented a certification by the NBP General Service Chief to the effect that said allegations are untrue.

Respondent further vehemently denied that his son, Arnel Macala, has been using the BUCOR official car in bringing shabu and liquor into the NBP maximum security compound, claiming that he had issued several memoranda to ensure that all vehicles and visitors entering the NBP premises are carefully checked and the inmates have no access whatsoever to prohibited articles. Likewise denied by respondent were the allegations that he allowed his son-in-law, Raymond Luz, to operate a videoke machine inside the NBP premises, financed the campaign sorties of former DOJ Secretary Hernando Perez, had acquired a 10-door apartment, and that said Raymond Luz had constructed a mansion. Refuting the charge that he received gifts from inmate Lyson Ivan Acedillo, respondent presented the latter’s affidavit disclaiming the same.

On the Nepotism charge, respondent maintained that the appointment of Generoso Baustista who is a “fourth degree relative” is not violatiive of the law nor were the details of Noel Mendoza and Abner Macala, who are members of the Philippine National Police, nepotic being in pursuance of the letter-order of Police Senior Superintendent Chito De Los Santos. In the same breath, respondent maintained that the detail of Noel Mendoza, Abner Macala and Raymond Luz did not violate the rule

on nepotism (Sec. 59[2] of E.O. No. 292 and Sec. 49 of PD No. 807), since they are holding primarily confidential positions.

Upon the other hand, the DOJ, in its Position Paper, postulated that respondent is guilty of the charges, more particularly of Grave Misconduct, as evidenced by BPI Bank Account No. 0883-016327 under the name of respondent in whose favor suppliers of foodstuff to the BUCOR deposit substantial sums of money in exchange for preferential treatment given by respondent, as corroborated by Mr. Kabungsuwan Makilala, Executive Secretary of BUCOR Bidding Committee in his affidavit of April 3, 2003, who further declared that the bidding process was manipulated and influenced by respondent.

The DOJ further averred that respondent never denied that he authorized minor repairs at the NBP hospital at the staggering cost of P1.5 million, as alleged in the letter-complaints, nor belie the anomaly regarding the NBP waterproofing works at the maximum security compound, which leaves much to be desired, since “the place still gets soaked by something like a garden sprinkler.”

Concerning the shabu and liquor proliferation issue, the DOJ maintained that respondent’s son uses the BUCOR official vehicle to clandestinely smuggle said prohibited items inside the NBP compound.

Anent the complaint for Nepotism, the DOJ alleged that respondent employed his relatives both by affinity and consanguinity within the prohibited degree when he was still the BUCOR Director.

After due evaluation the PAGC issued a resolution on October 7, 2003 finding respondent guilty of Nepotism but absolving him from the charge of Grave Misconduct. The findings and recommendation of the PAGC are quoted hereunder:

“The sole issue now posed before the Commission is whether or not respondent Macala may be held liable for all the charges raised against him based on the evidence on record.

“We must qualify.

“On grave misconduct. In a plethora of cases, the Supreme Court declared that:

‘Misconduct in Office has a definite and well-understood legal meaning. By uniform legal definition it must affect the performance of his duties as an officer and not such only as a private individual. In such case, it has been said at all times, it is necessary to separate the character of the man from the character of the officer. It is settled that misconduct, misfeasance warranting removal from office of an officer must have direct relation to and be connected with the performance of official duties amounting either to maladministration or willful, intentional neglect and failure to discharge the duties of the office.’

“In the present case, the DOJ failed to adduce substantial evidence, which is the quantum of proof required in administrative cases, to show that the respondent committed maladministration or willful, intentional neglect and a

failure to discharge the duties of his office. Substantial evidence is such relevant evidence which a reasonable mind might accept as adequate to support a conclusion. It is axiomatic that he who alleges must prove the same; Otherwise, the presumption of regularity in the performance of official duties must remain.

“An assiduous perusal of the bank deposit slips that were adduced in evidence will readily reveal that there is no showing that the subject bank deposit being linked to the respondent had been utilized by him in the collection of extortion money from BuCOR suppliers, nor is it clear that the same is for the respondent’s account since the respondent’s name does not appear thereon. In fact one of the supplier, a certain Lyson Ivan Acedillo, had executed an affidavit to deny the truthfulness of this allegation.

“Relative to the waterproofing works at the NBP, no proof was proffered to establish that the costs thereof are excessive. In the absence of sufficient evidence, again the presumption of regularity must be respected.

“Similarly, the imputations that the respondent allowed shabu and liquor to be smuggled into the NBP compound are not substantiated by substantial evidence on record. The DOJ failed to present, at the least, an affidavit of a witness, who has personal knowledge of these particular anomalies to support its charge.

“On nepotism. Section 59 (10, Subtitle A. Title 1, Book V of the Administrative Code describes nepotism, to wit:

‘Nepotism-(1) All appointments in the national, provincial, city and municipal governments or in any branch or instrumentality thereof, including government owned and controlled corporations, made in favor of a relative (within the third degree) of the appointing or recommending authority, or of the chief of the bureau or office, or of the persons exercising immediate supervision over him, are hereby prohibited.

‘As used in this Section, the word ‘relative’ and members of the family referred to are those related within the third degree either consanguinity or of affinity.’

“The Commission notes that the relationship of the respondent Macala to Mr. Raymund Luz was never denied by the former. In his position paper, the respondent did not refute the allegation that he is a first degree relative by affinity (son-in-law) of Raymond Luz. He even continued by saying that:

‘The position of Mr. Raymond Luz is also considered primarily confidential, in spite of the fact that his designation X X X is that of a Utility Worker.

‘This is for the reason that in the determination of which position is primarily confidential of (sic) not, it is the nature of the work and not the designation which is controlling.’

“While it is true that the respondent had no hand in the appointment nor in the recommendation of his son-in-law, he was, however, the chief of the bureau (BUCOR) where his son-in-law was assigned to work; hence, within the prohibition of the law.

“The defense that the position of Mr. Luz, as Utility Worker, is confidential position must likewise fail. In Civil Service Commission vs. Salas, the Supreme Court clarified the term ‘primarily confidential position’, by stating:

‘Every appointment implies confidence, but much more than ordinary confidence is reposed in the occupant of a position that is primarily confidential. The latter phrase denotes not only confidence in the aptitude of the appointee for the duties of the office but primarily close intimacy which ensures freedom of intercourse without embarrassment or freedom from misgivings of betrayals of personal trust or confidential matter of state. X X X’

“It must be noted that the respondent contradicts himself by saying that the person, who is merely detailed in his office, is now occupying a confidential position, or a position that requires trust and confidence. Peremptorily, since the relationship between the public respondent and Mr. Luz is one that is prohibited by the law, the former is liable for violating the rule against nepotism.

“As earlier said, the quantum of proof necessary for a finding of guilt in administrative case is only substantial evidence or such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. The pieces of evidence against the herein respondent are more than adequate to support a conclusion that, with regard to nepotism, he is liable as charged.

“The Uniform Rules on Administrative Case in the Civil Service, Section 52, Rule IV on Penalties provides that the imposable penalty on Nepotism shall be Dismissal from public office. The penalty of dismissal shall carry with it cancellation of eligibility, forfeiture of retirement benefits, and the disqualification for reemployment in the government service. However, considering the fact that the respondent Macala was replaced as BUCOR Director by General Santiago, only the accessory penalties can be imposed on him and not the principal penalty.

“**WHEREFORE**, the Commission finds the respondent Ricardo B. Macala liable for violation of the law on nepotism. Considering the removal of the respondent as Bureau of Corrections Director, the Commission recommends to her Excellency, President Gloria Macapagal-Arroyo, that the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits and disqualification for reemployment in the government service be imposed.

“**SO RESOLVED.**”

After careful review, this Office concurs in toto with the findings and recommendation of the PAGC, the same being in full accord with the evidence presented and fairly reflective of the facts proven.

WHEREFORE, and as recommended by the Presidential Anti-Graft Commission, the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits and disqualification for

reemployment in the government service are hereby **IMPOSED** on Mr. Ricardo B. Macala, former Director of the Bureau of Corrections.

SO ORDERED.

Manila, Philippines, 15 JAN 2004

By authority of the President:
(Sgd.) **MANUEL B. GAITE**
Deputy Executive Secretary
For Legal Affairs
NSCC/evr

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2004). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 94
PROVIDING MEASURES FOR THE OPTIMUM UTILIZATION OF WATER RESOURCES IN
METRO MANILA

WHEREAS, the inadequate rainfall in the last quarter of 2003 which affected many parts in Luzon resulted in low water levels in Angat dam;

WHEREAS, as consequence, there is a shortfall in water supply for Metro Manila and for irrigation in Bulacan and parts of Pampanga;

WHEREAS, there is a critical need to institute measures to ensure the optimum utilization of water resources and identify and immediately develop new sources of water for Metro Manila;

WHEREAS, there is a need to actively implement water conservation measures and decisively reduce the level of non-revenue water to maximize the limited supply of water;

WHEREAS, it is equally important to minimize the pollution of our water bodies to ensure water quality and safeguard public health;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by the law, do hereby order:

SECTION 1. Declaration of Policy. The Government shall adopt urgent and decisive measures to address the present water shortage in Metro Manila, Bulacan and portions of Pampanga to protect the health and well being of the population and prevent or mitigate disruptions in the production sector and irrigation of agricultural crops.

SEC. 2. The following measures are hereby adopted to mitigate the effects of water shortages:

- a. The Department of Environment and Natural Resources (DENR), with the National Water Resources Board (NWRB), the Metropolitan Waterworks and Sewerage System (MWSS), and the Public Information Agency (PIA) shall undertake a massive information, education and communication campaign to encourage people to implement water conservation measures;
- b. The MWSS and its Concessionaires shall actively pursue and immediately respond to all complaints of water leaks within twenty four (24) hours and shall ensure that the leaks are repaired within 3 to 5 days after receiving the complaints;
- c. All Local Government Units in Metro Manila through the barangays shall monitor and report all water leaks and pilferages to the concerned Water Concessionaire;
- d. The Philippine National Police shall assist the MWSS and Water Concessionaires in the enforcement of anti-pilferage measures;
- e. The LGUs in Metro Manila shall expedite the grant of permits for the repair of water leaks by allowing the 2 concessionaires to apply for permits directly with the barangay concerned with a copy of the permit furnished the Office of the Mayor for recording purposes;

- f. The Department of Public Works and Highways (DPWH), the Metro Manila Development Authority (MMDA) and other concerned government agencies shall provide immediate assistance to the MWSS and Water Concessionaires in improving water service delivery.
- g. The Department of Trade and Industry (DTI), in coordination with the Department of Finance (DOF), shall work for the grant of incentives for the production of goods that conserve water and establishments undertaking optimum water conservation and utilization in Metro Manila.
- h. The Department of Agriculture, through the National Irrigation Authority and the Bureau of Soils and Water Management, shall continuously monitor and coordinate with the NWRB on the water requirement of irrigation systems being supplied by the Water Concessionaires.
- i. The Department of Environment and Natural Resources (DENR) shall require all multi-storey buildings, hotels, shopping centers, subdivisions, factories and related establishments to put up Sewage Treatment Facilities to protect water quality.
- j. The National Power Corporation shall facilitate the agreement with the private sector for the rehabilitation and recommissioning of its desalination plant in Sucat, Parañaque.
- k. The PAGCOR shall provide funding assistance of fifty (50) million pesos to the National Irrigation Authority (NIA) to set up shallow tube wells that will service about 5,000 hectares of agricultural lands in Bulacan and Pampanga.
- l. The MMDA, local government units and other groups shall use treated wastewater for watering the center islands, parks, golf courses among others.
- m. All government agencies and instrumentalities shall assign water marshals and shall undertake water conservation and assessment program, using as reference point, water consumption in January 2003, and submit monthly comparative report of water consumption to the NWRB.

SEC. 3. The NWRB, jointly with the MWSS, is hereby directed to identify and facilitate the development of new water sources.

SEC. 4. The DENR, through the NWRB, shall take the lead in the preparation of the detailed action plan and coordinate activities to implement this Order.

SEC. 5. All Departments, agencies and instrumentalities of Government are hereby directed to provide assistance in the implementation of this Order.

SEC. 6. This Administrative order shall take effect immediately.

DONE, in the City of Manila, this 24TH day of February, in the year of Our Lord, Two Thousand and Four.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) ALBERTO G. ROMULO

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2004). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 95
AMENDING ADMINISTRATIVE ORDER NO. 34, S. OF 2002, PROVIDING FOR THE REVIVAL
OF CABINET OFFICERS FOR REGIONAL DEVELOPMENT.

WHEREAS, on May 2, 2002, the Cabinet Officers for Regional Development (CORD) was revived by A.O. No. 34;

WHEREAS, there is a need to amend Section 2 of A. O. No. 34, s of 2002 to delineate the specific functions, duties and responsibilities of the CORD.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Section 2 of A.O. No. 34, s of 2002, is hereby amended to read as follows:

“SEC. 2. Functions, Duties and Responsibilities of the CORD – The CORD shall perform, among others, the following functions, duties and responsibilities:

- a) Assist in articulating the region’s concerns and perceptions in the Cabinet, with other Departments, the Office of the President and concerned agencies;
- b) Assist the President in the speedy, efficient and orderly resolution of problems in government operations in his/her assigned region:
 - b.1. By determining grievances or concerns that need to be addressed immediately;
 - b.2. By following up the actions of concerned government agencies;
 - b.3. By informing the people in the area of the results on actions taken by the government;
- c) In coordination with the Regional Development Councils (RDC) and other local special bodies, assist in defining priorities and projects in the region;
- d) Monitors government projects and programs at the regional level i.e. – those accomplished and not accomplished, and the reasons why they were not accomplished immediately;
- e) Insure that all programs, projects and activities of the national government in the region are well implemented, and information thereon fully disseminated to the people through various mechanisms and strategies;
- f) Check on public information aspect of any project and/or program;

- g) Be prepared to report on high-impact matters/concerns and the measures taken by the government to address them for public information purposes;
- h) Identify and clarify issues and concerns affecting peace and order and security, thru the Regional Peace and Order Council (RPOC) and the Cabinet Oversight Committee on Internal Security (COC-IS) sub-national levels;
- i) Monitor the conduct of government forces/agencies involved in Peace & Order and security matters;
- j) Undertake regular visits for the purpose of conducting consultations with local officials and the private sector in his/her region of assignment;
- k) Act as Lead Convenor during Presidential regional meetings;
- l) Submit reports as necessary of his/her activities to the President through the Executive Secretary;
- m) Perform such other functions as may be assigned by the President.”

SEC. 2. All other provisions of A. O. No. 34, s. of 2002 shall remain unchanged, valid and existing.

SEC. 3. Effectivity – This amendment shall take effect immediately.

DONE in the City of Manila, this 27th day of February, in the year of our Lord, two thousand four.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2004). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 96
DISSOLVING THE CABINET OVERSIGHT COMMITTEE ON THE NINOY AQUINO
INTERNATIONAL PASSENGER TERMINAL III AND FOR OTHER PURPOSES

WHEREAS, on June 25, 2003 Administrative Order No. 75 was issued by the President of the Philippines entitled “Creating the Cabinet Oversight Committee on the Ninoy Aquino International Passenger Terminal III and for other purposes”;

WHEREAS, on February 26, 2003 the Philippine International Air Terminal Company, Inc. (PIATCO) filed a Request for Arbitration against the Republic of the Philippines with the International Chamber of Commerce (ICC), Paris, France, asserting a variety of claims against the Republic in relation to the “Concession Agreement for the Build-Operate-Transfer Arrangement for the Ninoy Aquino International Passenger Terminal III”, the “Amended and Restated Concession Agreement”, and three (3) supplements thereto, all of which have been held to be null and void *ab initio* by the Supreme Court of the Philippines in the cases of Demosthenes D. Agan, Jr., et al. v. PIATCO, et al., G.R. No. 155001; Salacnib F. Baterina, et al. v. PIATCO, et al., G.R. No. 155547; and Severino C. Lopez, et al. vs. PIATCO, et al., G.R. No. 155661 decided on May 5, 2003, PIATCO’s, et al., Motion for Reconsideration having been denied “with finality” on January 21, 2004;

WHEREAS, on September 17, 2003 Fraport AG Frankfurt Airport Services Worldwide (Fraport) filed a Request for Arbitration against the Republic of the Philippines with the International Centre for Settlement of Investment Disputes (ICSID) in Washington, DC alleging, among other things, that the Republic has expropriated the investments of Fraport in NAIA Terminal III in alleged violation of the Philippines-Germany Bilateral Investment Treaty signed on 17 April 1997;

WHEREAS, the President of the Philippines approved the recommendation of the Solicitor General of the Philippines that all proposals and suggestions concerning the resolution of the disputes which have been brought before the ICC and the ICSID shall be conveyed to the Government of the Republic of the Philippines and discussed only on a lawyer-to-lawyer basis, that is, on the basis of discussion and communication between and among, on the one hand, the Solicitor General of the Philippines, Justice Florentino P. Feliciano and White and Case; and on the other hand, the counsel of record of PIATCO and Fraport;

WHEREAS, evidence has emerged concerning numerous deficiencies and deviations from the plans and specifications of the NAIA Terminal III set out in the underlying bid documents and concerning failure of PIATCO to submit the detailed engineering drawings and plans of the NAIA Terminal III to the Manila International Airport Authority (MIAA) for the approval of the MIAA, as well as to the Japan Airport Consultants Inc. (JAC) the Quality Assurance Surveyor, resulting in serious doubts about the structural soundness and safety and compliance with specifications of the still incomplete NAIA Terminal III in its present condition;

WHEREAS, PIATCO has refused to open its books to the Government of the Republic such that the latter is unable to determine what has in fact been reasonably and lawfully spent on the still incomplete NAIA Terminal III;

WHEREAS, on January 30, 2004 the Republic filed its Answer to the Request for Arbitration of PIATCO in the ICC, Paris;

WHEREAS, the arbitral tribunal in ICSID, seized with the Request for Arbitration filed by Fraport, has now been constituted and proceedings there have now commenced;

WHEREAS, as a result of the foregoing, it is essential that the Government of the Republic protect the safety and security of potential users of the NAIA Terminal III including passengers, airlines and NAIA staff as well as the interest of the Republic before the international arbitral fora to which PIATCO and Fraport have resorted;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Cabinet Oversight Committee on the NAIA Terminal III, created by Administrative Order No. 75 dated 25 June 2003, and consisting of the Secretary of Trade and Industry as Chairman, the Secretary of Transportation and Communication and the Secretary of Tourism as Members, is hereby dissolved.

SEC. 2. The Cabinet Oversight Committee shall render its final report to the President within seven (7) days from the date of effectivity of this Administrative Order.

SEC. 3. All reports, records of proceedings and all documents of any kind whatsoever received, issued or collected by the Cabinet Oversight Committee shall forthwith be transferred to the Executive Secretary, Office of the President.

SEC. 4. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 1st day of March, in the year of our Lord, two thousand and four.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2004). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 97
AUTHORIZING THE GRANT OF OCCUPATIONAL SPECIALTY PAY (OSP) TO AIR TRAFFIC CONTROLLERS

WHEREAS, Air Traffic Controllers provide air traffic control services to the flying public in order to maintain safe, expeditious and orderly flow of air traffic;

WHEREAS, lives and properties are at stake and must be protected through the conduct of alert and efficient air traffic control services;

WHEREAS, Air Traffic Controllers play an important role in the aviation industry which contributes largely in the economic development of the nation;

WHEREAS, Air Traffic Control is a vital component in the preservation of Philippine sovereignty and the implementation of our National Security Policies;

WHEREAS, there is a need to provide solutions to the Air Traffic Controllers' pursuit for just compensation;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, in recognition of the unique duties and responsibilities of the Air Traffic Control profession, do hereby order and direct:

SECTION 1. The following positions shall be entitled to a monthly Occupational Specialty Pay (OSP) at two thousand pesos (P2,000.00) each:

Position Title

Air Traffic Controller I
Air Traffic Controller II
Senior Air Traffic Controller
Supervising Air Traffic Controller
Assistant Chief Air Traffic Controller
Chief Air Traffic Controller
Air Traffic Services Supervisor
Director I, Air Traffic Service
Director II, Air Traffic Service

Sec. 2. The Technical Incentive Allowance (TIA) being received by the Air Traffic Controllers is integrated into the OSP. Henceforth, no separate payment shall be made for the TIA for the Air Traffic Controllers.

Sec. 3. The OSP shall be charged against savings of the Air Transportation Office. In case of deficiency, the balance shall be charged against savings of the whole Department of Transportation and Communications. Any remaining deficiency shall be charged against the Miscellaneous Personnel Benefits Fund.

Sec. 4. This Administrative Order shall take effect March 1, 2004.

DONE in the City of Manila, this 24th day of March, in the year of Our Lord, two thousand and four.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) ALBERTO G. ROMULO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2004). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 98

DESIGNATING THE DEPARTMENT OF TOURISM AS THE LEAD AGENCY FOR THE
CONDUCT OF THE PHILIPPINE PARTICIPATION IN EXPO 2005 AICHI, JAPAN, THE WORLD
EXPOSITION

WHEREAS, the Philippine Government, in its desire to sustain its presence in the international community, has committed to organize Philippine participation in the EXPO 2005 Aichi, Japan by presenting the country's natural and cultural heritage and its thrust of maintaining the critical balance between sustained development and environment;

WHEREAS, the Philippine participation in the EXPO 2005 Aichi provides a major opportunity for the Philippines to present itself to the world in terms of creating awareness for its business potentials, history, and culture vis-à-vis the theme of the EXPO 2005 Aichi: "Nature's Wisdom";

WHEREAS, there is a need to designate a lead agency to supervise the conduct of the Philippine participation during the EXPO 2005 Aichi:

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *Department of Tourism as Lead Agency.* The Secretary of the Department of Tourism is hereby designated as the lead in overseeing and undertaking the necessary preparation for the Philippine Presentation in EXPO 2005.

As such, the DOT Secretary is hereby given authority to form a preparatory committee, assisted by the Bureau of International Tourism Promotion (BITP) and the Philippine Convention and Visitors Corporation (PCVC).

SEC. 2. *Functions.* The DOT Secretary shall exercise the following functions and responsibilities:

- a. Act as the coordinator between the private sector and various government agencies to ensure that all directives issued to the said agencies for the planning, operation, and management of the Philippine Pavillion at EXPO 2005 Aichi shall be implemented;
- b. Ensure that the economic advantages of the Philippine presentation are maximized through a concerted and cost-effective country approach;
- c. Select the theme, concept, and message of the Philippine participation as maybe acceptable to both the Governments of the Philippines and Japan;
- d. Ensure the safety and protection of government and personal properties, exhibit materials, and special effects needed to complete the Philippine presentation;
- e. Seek the assistance of, and coordinate with the private sector and other Government organization in implementing the Philippine presentation and meeting the necessary requirements for the participation;
- f. Call on any department, bureau or office of the government, including government-owned and controlled-corporations to render such assistance as it may need;

- g. Undertake all other measures necessary for the successful participation of the Philippines at EXPO 2005 Aichi.

SEC. 3. EXPO-General. The DOT Secretary shall designate an official of the DOT to act as the EXPO-General for the Philippine Presentation in EXPO 2005 Aichi. He shall be the contact person of the EXPO 2005 organizers. The EXPO-General shall attend the activities that will be required by the EXPO 2005 organizers. He shall perform such functions that will be necessary to ensure the successful participation of the Philippines in the EXPO 2005 in accordance with the rules and regulations of the Bureau of International Exposition (BIE).

SEC. 4. Secretariat. The EXPO-General shall form a project Secretariat that will service the technical, administrative, as well as the requirements of the BIE and the World Expo 2005.

Personnel of the Secretariat shall be sourced from the detail of personnel from the various units of the DOT, such as the BITP and PCVC.

SEC. 5. Funding. Funding subsidy shall come from the following Government departments and shall serve as the Philippine Government's contribution to the project:

- a. Subject to approval of the President, an allocation of **Five Million Pesos (P5 M)** from the President's Contingent Fund which shall be used as initial operating expense of the Committee;
- b. Allocation from the Department of Tourism in the amount of **Sixty Three Million Pesos (P63 M)** – P31.5M to be sourced from the funds of the Philippine Tourism Authority and 31.5M from DOT;
- c. Allocation from the Manila International Airport Authority (MIAA), amount of which shall be subject to the approval of the MIAA Board of Trustees.
- d. Allocation of **Fifteen Million Pesos (P15 M)** from the Department of Trade and Industry (DTI) and **Six Million Pesos (6M)** from the Department of Foreign Affairs (DFA).

SEC. 6. Submission of Quarterly and Terminal Reports. A quarterly report on the status of the preparations for the Philippine Presentation as well as a terminal report within sixty (60) days from the termination of the Project shall be submitted to the Office of the President.

SEC. 7. Effectivity. This Administrative Order shall take effect immediately.

DONE, in the City of Manila, this 2nd day of April, in the year of Our Lord, Two Thousand and Four.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2004). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 99
DIRECTING THE ORGANIZATION AND IMPLEMENTATION OF ACTIVITIES AND
PROGRAMS TO CELEBRATE PHILIPPINE INDEPENDENCE DAY ON JUNE 12, 2004

WHEREAS, it is appropriate to commemorate the heroism, patriotism and nationalism of our forefathers in the struggle for independence;

WHEREAS, the 106th anniversary of the proclamation of Philippine Independence is the ideal occasion for all Filipinos to unite and rally behind the government and the country's institutions;

WHEREAS, there should be proper planning, implementation and coordination of all programs and activities leading to the celebrations.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Secretary of Tourism is hereby designated to take the lead in the planning, coordination, implementation and conduct of programs and activities in celebration of Independence Day 2004.

Sec. 2. The Department of Tourism, being the lead agency of this national event, shall immediately convene the inter-agency organizing task force to plan and implement effectively all programs, projects and activities relating to the Independence Day 2004 celebration.

Sec. 3. The inter-agency task force shall be composed of the Secretary of Tourism, as Chairman, with the Executive Director of the National Historical Institute and the Secretary of Education, as Vice-Chairmen. Other members of the inter-agency task force shall be designated and/or appointed by the Secretary of Tourism.

Sec. 4. All departments, bureaus, offices, national government agencies and local government units and government-owned and controlled corporations are hereby enjoined to give full support, assistance and cooperation to the Secretary of Tourism in the exercise of his responsibilities under this Order.

Sec. 5. All branches of government are enjoined to participate in the Independence Day celebration as well as to enlist the participation of private sector groups and non-government organizations so that the 106th Philippine Independence Day celebration will be a show of unity and strength during these challenging times.

Local government units together with private sector groups and NGO's are likewise enjoined to celebrate Philippine Independence Day in their respective localities.

Sec. 6. The programs and events for the Philippine Independence Day celebrations shall include, to the extent appropriate, the following:

- a. Pambansang Araw ng Watawat (Philippine National Flag Day) on May 28 as the kick-off ceremony for 2004 Independence Day Celebration.
- b. Raising of the national flag and wreath-laying ceremonies at the Rizal National Monument in the Rizal Park on June 12, 2004 at about 7:00 in the morning.

This activity will be particularly replicated in places of national historical significance such as the Barasoain Church in Malolos, Bulacan; Aguinaldo Shrine in Kawit, Cavite; Mausoleo de los Veteranos de la Revolucion, Manila North Cemetery; Bonifacio Monument in Kalookan City; and Pinaglabanan Memorial Shrine, San Juan, Metro Manila.

All other cities and municipalities around the country are enjoined to hold simultaneously similar activities on the same day and time.

- c. The Philippine Independence Day Parade at the Quirino Grandstand in the afternoon of June 12 which shall be meaningful and relevant to the theme of the celebration, to be followed by a special cultural program at the same venue.

Sec. 7. In support of the 106th Philippine Independence Day celebrations, all concerned government agencies and local government units are subject to budgetary laws and issuances and are authorized to allocate such amounts as may be necessary to defray expenses for said event.

Sec. 8. The release of **TEN MILLION PESOS (P10,000,000.00)** chargeable against the President's Contingent Fund for FY 2004 RA 9206; as reenacted is hereby authorized to carry out the provisions of this Administrative Order.

Fund augmentation thereon, as may be necessary, shall be sourced from any of the regular items in the FY 2004 RA 9206, as reenacted or any applicable government appropriations or from such other sources as may be determined by the Department of Budget and Management.

Sec. 9. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 17th day of May, in the year of Our Lord, Two Thousand and Four.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2004). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 100

**PRESCRIBING GUIDELINES TO FILL TEMPORARY VACANCIES IN LOCAL ELECTIVE
OFFICES IN CERTAIN AREAS TO PREVENT PARALYZATION OF LOCAL GOVERNMENT
OPERATIONS IN SAID AREAS**

WHEREAS, the term of office of local elective officials elected during the May 14, 2001 elections will expire at noon of June 30, 2004;

WHEREAS, some local elective offices will become temporarily vacant in the event that by noon of June 30, 2004, the Commission on Elections will not proclaim the winning candidates in the May 10, 2004 elections for these local elective offices or declare a failure of elections in some local government units;

WHEREAS, these temporary vacancies in local elective offices will disrupt the delivery of basic services and may paralyze local government operations in said areas, yet neither the existing election laws nor the Local Government Code of 1991 provide guidelines for filling said temporary vacancies;

WHEREAS, in order to avoid the disruption of the delivery of basic services and the paralysis of local government operations in said areas, there is an urgent need for the President to exercise her constitutional powers of appointment and general supervision over local government units;

WHEREAS, similar threats of disruption of the delivery of basic services and paralysis of local government operations after the May 8, 1995, May 11, 1998 and May 14, 2001 elections were remedied by filling temporary vacancies in local elective offices in accordance with Memorandum Circular No. 123 dated June 30, 1995, Administrative Order No. 2 dated July 6, 1998 and Administrative Order No. 12 dated June 29, 2001, respectively;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution and law, hereby promulgate the following guidelines:

SECTION 1. *Non-Proclamation or Declaration of Failure of Election.* – In the event that the Commission on Elections has not proclaimed by noon of June 30, 2004 the winning candidates for all the local elective offices of a local government unit (LGU) or has declared a failure of election in said LGU, the President may designate Officers-In-Charge (OICs) for the offices of the governor, vice-governor, mayor, vice-mayor and the members of the *sangguniang panlalawigan*, *sangguniang panlungsod* and *sangguniang bayan*; *Provided*, that the OIC must possess all the qualifications and none of the disqualifications prescribed for the corresponding elective office.

SECTION 2. *Partial Proclamation.* – In the event that the Commission on Elections has proclaimed by noon of June 30, 2004 some, but not all, of the winning candidates for the local elective offices of an LGU, the vacant local elective offices in said LGU shall be filled in accordance with the rule on automatic succession as provided under Chapter 2, Title II, Book I of the Local Government Code of 1991.

SECTION 3. *LGU's Within ARMM.* – (a) In the event that the Commission on Elections has not proclaimed by noon of June 30, 2004 the winning candidates for all the local elective offices of an LGU within the Autonomous Region of Muslim Mindanao (ARMM), the ARMM Regional Governor shall designate OIC's for the Offices of the governor, vice-governor, mayor, vice-mayor and the members of the *sangguniang panlalawigan*, *sangguniang panlungsod* and *sangguniang bayan* in accordance with

Section I, Muslim Mindanao Autonomy Act No. 40, amending Section 41, ARMM Local Government Code.

(b) In the event that the Commission on Elections has proclaimed by noon of June 30, 2004 some, but not all, of the winning candidates for the local elective offices of an LGU within the ARMM, the vacant local elective offices in said LGU shall be filled in accordance with the rule on automatic succession as provided under Section 41, Chapter 2, Title II, Book I of the ARMM Local Government Code.

SECTION 4. General Guidelines. – (a) The OIC shall hold office until the Commission on Elections shall have proclaimed the winning candidate for the local elective office and until such winning candidate shall have qualified.

(b) The OIC in the office of the local chief executive shall perform all the regular duties and responsibilities of such office as provided by law, except the following:

1. Appointment of local government officials and employees; *Provided*, that he may temporarily designate OICs to the existing offices of the provincial/city/municipal administrator and the provincial/city/municipal legal officer, where the terms of the incumbents shall expire, as provided by law, at noon of June 30, 2004; *Provided further*, that the temporary designation of such OICs shall be coterminous with that of the OIC designated by the President to the office of the local chief executive;
2. Suspension or dismissal of local government officials and employees;
3. Creation and filling of positions whether regular, contractual or casual;
4. Reorganization of local government offices;
5. Solemnization of marriages;
6. Revision of duly approved local development plans; and
7. Approval of contracts other than those needed to keep the day-to-day operations going.

(c) The OICs shall act with the highest degree of integrity, impartiality and fairness at all times.

SECTION 5. Effectivity. – This Administrative Order shall take effect immediately.
DONE in the City of Manila, June 24, 2004.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) ALBERTO G. ROMULO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2004). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG

ADMINISTRATIVE ORDER NO. 101

AUTHORIZING THE EXECUTIVE SECRETARY TO TAKE CHARGE OF THE PRESIDENTIAL
INAUGURAL CEREMONIES ON JUNE 30, 2004

Pursuant to the powers vested in me by law, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, do hereby authorize the Executive Secretary to take charge of the Presidential Inaugural Ceremonies on June 30, 2004.

Other officials shall assist the Executive Secretary in discharging his functions.

The Chief of Presidential Protocol shall report to the Executive Secretary as chief operating officer for the ceremonies.

The Executive Secretary is hereby authorized to call upon any department, bureau, office, agency or instrumentality of the government, including government-owned or controlled corporations, for such assistance as he may need in the discharge of his functions.

DONE in the City of Manila, this 24th day of June, in the year of Our Lord, two thousand and four.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) ALBERTO G. ROMULO

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2004). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 102
CREATING AN AD HOC COMMITTEE TO TAKE CHARGE OF THE PREPARATIONS
FOR THE CELEBRATION OF THE 60TH ANNIVERSARY OF THE LEYTE LANDING ON
OCTOBER 20, 2004

WHEREAS, October 20, 2004 marks the 60th Anniversary of the historic Leyte Landing which initiated the liberation of the Philippines during World War II;

WHEREAS, this year's anniversary acquires additional significance in view of the rapidly dwindling number of World War II veterans;

WHEREAS, the event should be appropriately celebrated to memorialize the ideals and deeds of World War II veterans as a means of enhancing patriotism among Filipinos and fortifying the ties of friendship among freedom-loving nations;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. An Ad Hoc Committee is hereby created to take charge of the preparations to commemorate the 60th Anniversary of the Leyte Landing on October 20, 2004, to be composed of the Secretary of Foreign Affairs, as Chairman; Senator Richard Gordon from the Senate, as Co-Chairman; the Secretary of Tourism and the Executive Director of the National Historical Institute as members. The Ad Hoc Committee may designate and/or appoint other members.

SEC. 2. The Ad Hoc Committee shall plan, coordinate and implement all programs, projects and activities relating to the 60th Anniversary of the Leyte Landing.

SEC. 3. All departments, bureaus, offices, agencies and instrumentalities of the government and all local government units and government-owned and controlled corporations are hereby enjoined to give full support, assistance and cooperation to the Ad Hoc Committee in the exercise of its responsibilities under this Order.

SEC. 4. All branches of government are enjoined to participate in the Anniversary of the Leyte Landing as well as to enlist the participation of private sector groups and non-government organizations to ensure the success of the 60th Anniversary of the Leyte Landing celebration.

SEC. 5. In support of the 60th Anniversary of the Leyte Landing celebrations, all concerned agencies and local government units are, subject to budgetary laws and issuances, authorized to allocate such amounts as may be necessary to defray expenses for said event.

SEC. 6. This Administrative Order shall take effect immediately.

DONE, in the City of Manila, this 30th day of July, in the year of Our Lord, Two Thousand and Four.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) ALBERTO G. ROMULO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2004). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 103
DIRECTING THE CONTINUED ADOPTION OF AUSTERITY MEASURES IN THE
GOVERNMENT

WHEREAS, the continued adoption and implementation of austerity measures are necessary in order to meet the country's fiscal targets, maintain its macroeconomic stability and improve investor confidence;

WHEREAS, the national government, its agencies and instrumentalities must undertake cost-cutting measures to reduce expenses and channel its scarce resources towards the implementation of the 10-Point Legacy Agenda;

WHEREAS, government-owned and-controlled corporations, government financial institutions, and other government instrumentalities should likewise contribute to reducing the consolidated public sector deficit, and to decreasing the public sector debt;

WHEREAS, prudent fiscal management remains critical in the execution of a sound budget policy to ensure a balanced budget by 2009;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order and direct:

SECTION 1. All national government agencies (NGAs), including state universities and colleges (SUCs), government-owned and-controlled corporations (GOCCs), government financial institutions (GFIs), and other government corporate entities (OGCEs), and their subsidiaries, and other instrumentalities under the Executive Department, whether or not they receive funding support through the General Appropriations Act, are hereby ordered to adopt the following austerity measures:

(a) Suspension of the following:

- (1) All foreign travels, except for (i) ministerial meetings, and (ii) scholarship/trainings that are grant-funded or undertaken at no cost to the government.

Henceforth, all foreign travels of Presidential appointees, even if allowed under this provision, must first be cleared by the Office of the President. Further, all agencies shall submit a monthly report to the Office of the President, stating the names of officials or employees who traveled abroad, the reasons for such travel, and the cost incurred by the government.

- (2) All local travels, unless urgently necessary and allowed by the Secretary or the Head of the SUC, GOCC, GFI, or OGCE;
- (3) Purchase of any type of motor vehicles, except ambulances and those required by the military and police;
- (4) Paid media advertisements, except those required in the issuance of agency guidelines, rules and regulations, the conduct of public bidding, and the dissemination of important public announcements;

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- (5) Conduct of training, seminars, and workshops, except if funded by grants, or if the cost may be recovered through exaction of fees;
 - (6) Expansion of organizational units and/or creation of positions, except those following “*scrap and build*” policy or matched by the deactivation of existing units/positions of the same cost;
 - (7) Conduct of celebrations and cultural or sports activities not related to the core function of the agency, except athletic competitions conducted by public schools or SUCs; and
 - (8) Donations, contributions, grants and gifts, except if said activities are undertaken pursuant to the mandate of the donor-agency;
- (b) Reduction of at least ten percent (10%) in the cost of the following:
- (1) Services of consultants, technical assistants, contractual, and casual employees; and
 - (2) Consumption of fuel, water, office supplies, electricity and other utilities. For this purpose, agencies are hereby authorized to install and use energy-efficient lights and fixtures, and optimize the utilization of internet facilities especially for long-distance communications;
- (c) Suspension of all tax expenditure subsidies to GOCCs, OGCEs and local government units, except those approved by the Fiscal Incentives Review Board;
- (d) Adoption of a scheme that will allow employees rendering overtime to be compensated through time/days off work in lieu of overtime pay, in accordance with guidelines jointly issued by the Department of Budget and Management (DBM) and the Civil Service Commission;
- (e) In the procurement of goods and services, strictly comply with the Government Procurement Reform Act (RA 9184) and its Implementing Rules and Regulations, particularly in the use of the Government Electronic Procurement System for public bidding, advertisement of bid opportunities, and reporting of bid award results; and
- (f) Strict prioritization of capital expenditures, and realignment or use of savings to fund capital programs of the agencies, especially those in pursuit of the 10-Point Legacy Agenda.

SEC. 2. Consistent with the government’s rationalization policy, the provisions of Republic Act No. 7430, or the Attrition Law, specifically Section 3 thereof which prohibits the filling-up of positions that have been vacated by reason of resignation, retirement, dismissal, death or transfer to another office, with certain exceptions, are hereby adopted until lifted by the President.

SEC. 3. All NGAs, SUCs, GOCCs, GFIs and OGCEs, whether exempt from the Salary Standardization Law or not, are hereby directed to:

- (a) Limit grant of honoraria and other forms of allowance to the following:
- (1) Teaching personnel of the Department of Education, Commission on Higher Education, Technical Education and Skills Development Authority, SUCs and other educational institutions engaged in actual classroom teaching whose teaching load is outside the regular office hours or in excess of the regular load;
 - (2) Lecturers, resource persons, coordinators and facilitators in seminars, training programs, and other similar activities in training institutions, including those conducted by entities for their officials and employees;
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- (3) Chairs and members of commissions, boards, councils, or other similar entities who are not paid salaries but compensated in the form of honoraria as provided by law, rules and regulations; and
 - (4) Those who are involved in government procurement in accordance with Republic Act No. 9184 and DBM Budget Circular 2004-5;
- (b) Suspend the grant of new or additional benefits to full-time officials and employees and officials, except for (i) Collective Negotiation Agreement (CNA) Incentives which are agreed to be given in strict compliance with the provisions of the Public Sector Labor-Management Council Resolutions No. 04, s. 2002 and No. 2, s. 2003, and (ii) those expressly provided by presidential issuance;
- (c) For other non full-time officials and employees, including members of their governing boards, committees, and commissions: (i) suspend the grant of new or additional benefits, such as but not limited to per diems, honoraria, housing and miscellaneous allowances, or car plans; and (ii) in the case of those receiving per diems, honoraria and other fringe benefits in excess of Twenty Thousand Pesos (P20,000.00) per month, reduce the combined total of said per diems, honoraria and benefits to a maximum of Twenty Thousand Pesos (P20,000.00) per month.

SEC. 4. Each NGA, SUC, GOCC, GFI, or OGCE shall immediately prepare an austerity plan to implement the provisions of this Order.

SEC. 5. Heads of NGAs and SUCs, as well as the governing boards of GOCCs GFIs, and OGCEs shall be responsible for the strict implementation of Memorandum Order No. 20 dated June 25, 2001 and this Order. Any violation thereof shall be dealt with accordingly.

SEC. 6. The Legislative and Judicial Branches of Government, as well as agencies vested with fiscal autonomy, such as constitutional commissions and local governments, are strongly urged to adopt the provisions of this Order.

Local government units are reminded to adhere to prescribed limits on personal services expenditures under the Local Government Code, and to maximize the utilization of twenty percent (20%) of their Internal Revenue Allotments for development projects.

The Commission on Audit is likewise urged to assist in monitoring and ensuring strict compliance of this Order.

SEC. 7. This Administrative Order shall take effect immediately upon its publication in two (2) newspapers of general circulation.

DONE, in the City of Manila this 31ST day of August, in the year of Our Lord, Two Thousand and Four.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2004). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 104

PROVIDING FOR CABINET GROUPS TO ENABLE THE GOVERNMENT TO ADDRESS MAJOR CONCERNS IN THE IMPLEMENTATION OF THE ADMINISTRATION'S 10-POINT AGENDA

WHEREAS, the President of the Republic of the Philippines is committed to the implementation of the Government's development and reform agenda directed at reducing poverty, accelerating economic growth and improving the quality of life of the Filipino people, which is outlined in a Ten (10)-Point Agenda that will be pursued by her administration in the next six (6) years;

WHEREAS, there is a need for the President to meet the Cabinet, not always as a whole but in smaller related Cabinet Groups, for the effective and efficient discussion and implementation of the President's 10-Point Agenda;

WHEREAS, Section 31, Chapter 10, Title III, Book III of Executive Order No. 292, series of 1987, otherwise known as the "Administrative Code of 1987," provides that the President shall have continuing authority to reorganize the administrative structure of the Office of the President;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order:

SECTION 1. *Creation of Cabinet Groups.* – The following Cabinet Groups are hereby constituted as related Cabinet Groups:

1.1. National Anti-Poverty Commission Cabinet Group

The NAPC Cabinet Group shall be composed of the following:

Secretary-General, National Anti-Poverty Commission
Secretary, Department of Agriculture
Secretary, Department of Agrarian Reform
Secretary, Department of Education
Secretary, Department of Environment and Natural Resources
Secretary, Department of Health
Secretary, Department of Labor and Employment
Secretary, Department of Social Welfare and Development
Director-General, Technical Education and Skills Development Authority
President, Philippine International Trading Corporation
Chairman, Commission on Higher Education

1.2. National Security Council Cabinet Group

a. The National Security Council Cabinet Group shall be composed of the following:

National Security Adviser
Secretary, Department of the Interior and Local Government
Secretary, Department of Justice

Secretary, Department of National Defense
Secretary, Department of Foreign Affairs
Presidential Adviser on the Peace Process
Presidential Adviser for Constituency Affairs
Chairman, Mindanao Economic Development Council

- b. The *Cabinet Oversight Committee on Internal Security [COC-IS]* created under Executive Order No. 21 issued on June 19, 2001, as amended by Executive Order No. 138 issued on October 21, 2002 and Executive Order No. 151, issued on December 9, 2002, is hereby dissolved.

1.3. National Economic and Development Authority Cabinet Group

The National Economic and Development Authority Cabinet Group shall be composed of the following:

Director-General, National Economic and Development Authority [NEDA]
Chairman, Housing and Urban Development Coordinating Council
Secretary, Department of Budget and Management
Secretary, Department of Finance
Secretary, Department of Trade and Industry
Secretary, Department of Tourism
Secretary, Department of Energy
Secretary, Department of Public Works and Highways
Secretary, Department of Science and Technology
Secretary, Department of Transportation and Communications
Presidential Adviser for Jobs Generation
Presidential Adviser on New Government Centers
Chairman, Metropolitan Manila Development Authority
Chairman, Commission on Information and Communication Technology

SECTION 2. *Meetings; Presiding Officer; Secretariat.* – The different Cabinet Groups constituted herein shall meet upon call of the President who shall preside at all meetings thereof.

The Cabinet Secretariat, headed by the Secretary to the Cabinet, shall serve as the common secretariat of the Cabinet Groups and shall submit forthwith to the Executive Secretary, a copy of the executive summary and minutes of meetings conducted by the different Cabinet Groups.

SECTION 3. *LEDAC Matters.* – For the Legislative-Executive Development Advisory Council [LEDAC], the Political Adviser shall have oversight over the NEDA Secretariat, which was designated under Section 4 of RA 7640 to provide secretariat and staff support to the LEDAC. The President shall designate the Cabinet Members who shall attend specific LEDAC meetings.

SECTION 4. *Repealing Clause.* – Executive Order Nos. 21, (s. 2001), 138 (s. 2002) and 151 (s. 2002) are hereby repealed or modified accordingly. All other executive issuances, rules and regulations or parts thereof, which are inconsistent with any of the provisions of this Administrative Order are hereby repealed or modified accordingly.

SECTION 5. *Effectivity.* – This Administrative Order shall take effect immediately.

City of Manila, 7 September 2004

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2004). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 104-A
AMENDING ADMINISTRATIVE ORDER NO. 104 DATED SEPTEMBER 7, 2004, ENTITLED
“PROVIDING FOR CABINET GROUPS TO ENABLE THE GOVERNMENT TO ADDRESS
MAJOR CONCERNS IN THE IMPLEMENTATION OF THE ADMINISTRATION’S
10-POINT AGENDA”

WHEREAS, there is a need to re-structure the Cabinet Groups to better respond effectively and efficiently in the implementation of the 10-point agenda of the President;

WHEREAS, the President has continuing authority to reorganize the entire bureaucracy pursuant to the provisions provided for under Section 31, Chapter 10, Title III, Book III of the Administrative Code of 1987;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Department of Agriculture and the Department of Environment and Natural Resources are hereby transferred to the National Economic and Development Authority Cabinet Group constituted under Section 1 (1.3) of Administrative Order No. 104 dated September 7, 2004.

Sec. 2. Administrative Order No. 104 dated September 7, 2004 is hereby amended accordingly.

Sec. 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 24th day of September, in the year of our Lord two thousand and four.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2004). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 105
DESIGNATING SECRETARY CESAR V. PURISIMA TO LEAD THE ECONOMIC TEAM IN
ENSURING PASSAGE OF CRITICAL ECONOMIC LEGISLATIVE MEASURES

WHEREAS, several economic measures involving legislative action need to be enacted in order to achieve the fiscal program of government;

WHEREAS, there is need for a coordinated effort on the part of government under the leadership of a Cabinet member in order to ensure the smooth passage of these economic measures.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, do hereby order:

Section 1. Secretary Cesar V. Purisima of the Department of Trade and Industry (hereinafter referred to as the DTI Secretary) is hereby designated to lead the Economic Team in ensuring the smooth passage of the critical economic legislative measures in Congress.

Section 2. The DTI Secretary shall ensure that his action plan shall include a communications component, which shall be coordinated with the Office of the Communications Director.

Section 3. The DTI Secretary shall coordinate with the Presidential Political Adviser to ensure political support for the critical economic legislative measures.

Section 4. The DTI Secretary shall submit periodic reports to the President on the progress of this task.

Section 5. This Administrative Order shall modify or amend all issuance or parts thereof inconsistent with the provisions hereof.

Section 6. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 20th day of September, in the year of Our Lord, two thousand and four.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2004). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 106

DIRECTING THE NATIONAL HISTORICAL INSTITUTE TO ORGANIZE THE OBSERVANCE
OF THE CENTENNIAL ANNIVERSARY OF THE DEATH OF GEN. LEANDRO L. FULLON ON
OCTOBER 16, 2004

I, **GLORIA MACAPAGAL-ARROYO**, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby direct the Executive Director of the National Historical Institute to organize the observance of the centennial anniversary of the death of *Gen. Leandro L. Fullon*, one of the leading revolutionary leaders during the Philippine-American War, 1898-1916.

The Department of Budget and Management is hereby authorized to release the amount of **One Million Pesos (P1,000,000.00)** chargeable against the appropriations of the National Historical Institute under FY 2004 R.A. No. 9206 as reenacted, to carry out the provisions of this Administrative Order.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 5th day of October, in the year of Our Lord, Two Thousand and Four.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2004). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 107

DESIGNATING FORMER VICE PRESIDENT TEOFISTO T. GUINGONA, JR. AS SPECIAL
ENVOY AND SENIOR ADVISER ON ECONOMIC AFFAIRS AND DEVELOPMENT

WHEREAS, former Vice President Teofisto T. Guingona, Jr. possesses vast experience and a credible track record in governance and public service;

WHEREAS, I have invited former Vice President Teofisto T. Guingona, Jr. to assist the government in its recovery efforts and give true meaning to the reconciliation program of my administration;

WHEREAS, former Vice President Teofisto T. Guingona, Jr. has been involved in the implementation of certain national development programs like a sustainable housing program, to promote the welfare and economic status of Overseas Filipino Workers (OFWs) and Seafarers;

WHEREAS, there are socio-economic programs, particularly involving the development of Mindanao;

NOW, THEREFORE, I, GLORIA MACAPAGAL ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Designation – Former Vice President Teofisto T. Guingona, Jr. is hereby designated as Special Envoy of the Philippine Government and Senior Adviser on Economic Affairs and Development.

SECTION 2. Powers and functions – The Special Envoy of the Philippine Government and Senior Adviser on Economic Affairs and Development shall exercise the following powers and functions:

- a. Advise and report directly to the President on matters concerning the formulation and implementation of programs and projects pertinent to the promotion of the welfare of overseas Filipino workers and seafarers and the development of Mindanao.
- b. Recommend short and long term measures and appropriate actions to address policy, institutional implementation, and operational issues and concerns on programs and projects for Overseas Filipino Workers and Seafarers and those relative to Mindanao development; and oversee and supervise the implementation and completion of said relevant projects and programs.
- c. Call upon any agency of the government for such assistance as may be necessary to address problems affecting the relevant projects.
- d. Represent the Philippine Government abroad, promote foreign and local investment opportunities, prioritize, as necessary projects under the aforementioned programs in cooperation with national government agencies, local government units, and other stakeholders.
- e. Promote and accelerate the socio-economic development in Mindanao with the assistance provided by other presidential appointees and elected officials in the area. Elected officials

- in the areas affected by the programs shall continue to perform their functions relative to the socio-economic projects covering their respective areas of responsibility as provided by law.
- f. Perform all other functions that the President may direct.

SECTION 3. Technical and Administrative Support – The Special Envoy of the Philippine Government and Senior Adviser on Economic Affairs and Development is authorized to engage the services of consultants, as may be approved by the Office of the President.

SECTION 4. Funding – Funding shall be taken from such available resources as may be determined by the Department of Budget and Management.

SECTION 5. Repealing Clause – All executive issuances, rules and regulations or parts thereof which are inconsistent with this Administrative Order are hereby amended, or modified accordingly.

SECTION 6. Effectivity – This Administrative Order shall take effect immediately.

Done in the City of Manila, this 18TH day of October, in the year of our Lord, two thousand and four.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2004). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 108

**DIRECTING THE SECRETARY OF FINANCE TO TURN-OVER RECORDS, DOCUMENTS AND
OTHER EVIDENCE RELATIVE TO THE FUNCTION OF THE SPECIAL TASK FORCE CREATED
UNDER EXECUTIVE ORDER NO. 156 DATED OCTOBER 7, 1999**

In view of the expiration of the term of the Special Task Force Against Irregularities Committed by Attached Agencies Under or Attached to the Department of Finance created under Executive Order No. 156 (October 7, 1999), as amended, the Secretary of Finance is hereby directed:

1. To turn-over to the Office of the Special Prosecutor, Office of the Ombudsman, for appropriate action, records, documents and other evidence pertaining to the function of the Special Task Force.
2. To submit a report to the Office of the President on the compliance of this directive within thirty (30) days from the issuance of this Order.

City of Manila, October 11, 2004.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2004). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 109

AMENDING PROCLAMATION NO. 378 SERIES OF 2003 BY TRANSFERRING THE ADMINISTRATION OF THE SOCIALIZED HOUSING SITE RESERVATION IN BARANGAY VI-A, VICTORIAS CITY, NEGROS OCCIDENTAL FROM THE NATIONAL HOUSING AUTHORITY TO THE CITY GOVERNMENT OF VICTORIAS

WHEREAS, Proclamation No. 131 dated December 5, 2001 declared an area of Four Hundred Thirteen Thousand Ninety Three (413,093) square meters of land in Barangay VI-A, Victorias City, Negros Occidental as Socialized Housing Site;

WHEREAS, Proclamation No. 378 dated May 12, 2003 transferred the administration of said housing site from the Housing and Urban Development Coordinating Council to the National Housing Authority;

WHEREAS, the *Sangguniang Panlungsod* of Victorias, Negros Occidental requests that the administration of said housing site be transferred to the City of Victorias through Resolution No. 04-128, series of 2004;

WHEREAS, Article 1, Section 4 of Republic Act No. 8488 empowers the City of Victorias to take, purchase, receive, hold, lease, convey and dispose of real and personal property for the general interest of the City;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby amend Proclamation No. 378, series of 2003, by transferring the administration of the Socialized Housing Site in Barangay VI-A, Victorias City, Negros Occidental, with an aggregate area of **Four Hundred Thirteen Thousand Ninety Three (413, 093) square meters**, more or less, from the National Housing Authority to the City Government of Victorias, Negros Occidental.

The City Government of Victorias shall reimburse the national government the value of the land after the final payment of the areas reserved for socialized housing purposes by the qualified beneficiaries.

All previous issuances inconsistent with the provisions of this Administrative Order are hereby revoked or amended accordingly.

This Administrative Order shall take effect immediately.

Done in the City of Manila this 19th day of October, in the year of Our Lord, Two Thousand and Four.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2004). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 110
DIRECTING THE INSTITUTIONALIZATION OF A GOVERNMENT ENERGY MANAGEMENT
PROGRAM (GEMP)

WHEREAS, under Section 2 of R.A. No. 7638, otherwise known as the “Department of Energy Act of 1992”, it is declared the policy of the State to ensure a continuous, adequate, reliable, and economic supply of energy through, among others, the judicious conservation, renewal and efficient utilization of energy, to keep pace with the country’s growth and economic development;

WHEREAS, it is imperative that long-term measures be adopted to minimize if not forestall any adverse effect of the crude price increases on the country’s essential economic activities;

WHEREAS, to mitigate the ill effects of energy use on the environment, there is a compelling need for the Government to undertake a program promoting the judicious use of energy resources through intensified conservation efforts and efficient utilization thereof;

WHEREAS, the Government’s five- (5) point energy reform agenda on energy independence aims to achieve sixty (60) percent self-sufficiency level by 2010 and thus shield the country from the price volatility of imported energy through the enhanced development and use of indigenous oil and gas reserves, renewable energy, alternative fuels, strategic alliances with other countries, and effective implementation of a National Energy Efficiency and Conservation Program (NEECP);

WHEREAS, to maintain the Government’s credibility in encouraging the adoption of energy efficiency and conservation measures by the private sector, the Government shall lead by example implementing its own energy management program;

WHEREAS, Section 1 (b) (2) of the Administrative Order No. 103, requires the reduction of at least ten percent (10%) in the cost of the consumption of fuel, water, office supplies, electricity and other utilities. For this purpose, agencies are hereby authorized to install and use energy-efficient lights and fixtures, and optimize the utilization of internet facilities especially for long-distance communication.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. THE GOVERNMENT ENERGY MANAGEMENT PROGRAM (GEMP)

1.1 GEMP Goal

The Government shall aim to reduce its monthly consumption of electricity (in kilowatt-hours) and petroleum products (in liters) by at least ten percent (10%) through the implementation of the GEMP for a minimum period of three (3) years starting January 2005.

1.2 Methodology

a. *Electricity Efficiency and Conservation*

1. Each government entity is mandated to adopt and implement an electricity efficiency program to reduce electricity consumption by ten (10) percent of its average monthly consumption for the 1st semester of 2004.
2. The Government, thru the Department of Budget and Management (DBM) in coordination with the DOE, shall institute the government procurement guidelines on energy efficient lighting and appliances based on DOE-certified energy efficiency ratings (Attachment A).
3. Each government entity may utilize or avail itself of the Department of Energy (DOE) approved and other acceptable energy efficiency measures in order to effectively comply with this Administrative Order.

b. *Efficiency and Conservation in Fuel Use of Government Vehicles*

1. Each government entity is mandated to adopt and implement a program that will reduce its fuel consumption for transport by ten (10) percent of its average monthly consumption for the 1st semester of 2004.
2. The ten percent (10%) fuel reduction may be achieved thru substitution or blending of petroleum products with alternative fuels, such as Coco-Methyl Ester (CME) in accordance with the provisions of MC No. 55, Compressed Natural Gas (CNG), Ethanol, and other biofuels, among others as certified by the DOE.
3. There shall be a moratorium on the purchase of new government vehicles for six (6) months after the effectivity of this Administrative Order, provided that once the moratorium has been lifted, purchase of new government vehicles shall be limited to engine displacements of no more than 1600cc and 2500cc for gasoline and diesel engines, respectively.
4. Government vehicles shall be used for official business purposes only.

1.3 Compliance

a. *Energy Surveys and Audits*

1. Each government entity shall conduct a prioritized survey by requiring walk-through audits in all its facilities. The DOE shall provide technical assistance to all government entities for this purpose.
2. Each government entity, upon establishing its priorities, shall conduct detailed energy audits either through the services of the DOE or an Energy Service Provider (ESP).

b. *Energy Conservation Officer*

1. Each government entity shall designate a senior official as its Energy Conservation Officer (ECO).
 2. The ECO shall be responsible for his/her government entity's compliance with the provisions of this Administrative Order, as well as the development and implementation of energy efficiency and conservation measures.
-

c. Implementing Guidelines, Rules and Regulations

The DOE, with the concurrence of DBM, shall promulgate the necessary implementing guidelines, rules and regulations to ensure compliance with the provisions of this Administrative Order.

SEC. 2. INTER-AGENCY COORDINATION

The DOE shall establish an inter-agency coordination among all government entities to ensure compliance with this Administrative Order, including the conduct of appropriate information, education and communication campaign.

SEC. 3. FUNDING

3.1 Source of Funds

- a. Each government entity shall allocate appropriate amount from its approved-budget for the years 2004 and 2005 for the implementation of its prioritized and planned energy management program.
- b. Each government entity shall include in its budget preparation the necessary funds for its energy management program from 2006 onward.

3.2 Use of Energy Savings

At least 50% of the savings to be realized through the GEMP may be used by the government entity for the improvement of energy efficiency in its facilities subject to the guidelines to be promulgated by the DOE and DBM.

SEC. 4. EFFECTIVITY. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 25th day of October, in the year of Our Lord, Two Thousand and Four.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

References: List of Certified Split-Type Air Conditions as of June CY 2004, List of Certified Refrigerators as of July 2004, List of Certified Window-Type Room Air Conditioners as of June CY 2004, List of PNS*-Compliant Tubular Fluorescent Lamp Ballasts, List of PNS-Compliant Compact Fluorescent Lamps (CFL)

* *Philippine National Standard*

Source: Malacañang Records Office

Office of the President of the Philippines. (2004). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 110-A
AMENDING ADMINISTRATIVE ORDER NO. 110 S. 2004 DIRECTING
THE INSTITUTIONALIZATION OF A GOVERNMENT ENERGY MANAGEMENT
PROGRAM (GEMP)

WHEREAS, Administrative Order No. 110 dated October 25, 2004 directed the institutionalization of a Government Energy Management Program (GEMP);

WHEREAS, Section 3, Item 3.2 of Administrative Order 110 provides that at least 50% of the savings to be realized through the GEMP may be used by the government entity for the improvement of energy efficiency in its facilities subject to the guidelines to be promulgated by the DOE and DBM;

WHEREAS, Section 3, Item 3.2 of Administrative Order No. 110 only appropriates 50% GEMP savings for the improvement of government's energy efficiency, thereby limiting the use of the said savings for said specific purpose.

WHEREAS, Administrative Order No. 135 dated December 27, 2005 authorized the grant of Collective Negotiation Agreement (CNA) incentive to employees in government agencies;

WHEREAS, the grant of the CNA is in recognition of the efforts of labor and management to achieve all planned targets, programs and services approved in the agency's budget at lesser costs;

WHEREAS, it has become necessary to amend the above specific provision of Administrative Order No. 110 to provide for the needs of the government employees, giving them non-economic benefits in the form of transportation (shuttle bus and service vehicles to and from the office) for their active participation and in appreciation in their role in the realization of the GEMP; and

WHEREAS, the shuttle buses and service vehicles made available to government employees and officials will not only provide them safety and comfort, but will lessen their travel time and expenses, thereby giving them more quality time to spend with their families.

NOW, THEREFORE I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, to hereby order:

SECTION 1. Section 3, Item 3.2 of Administrative Order No. 110 is hereby amended to read as follows:

"SECTION 3. FUNDING

x x x

3.2 Use of Energy Savings

The savings to be realized through the GEMP may be used by the government entity for the improvement of energy efficiency, subject to the guidelines to be promulgated by the DOE and DBM, and also for the purchase of shuttle buses and service vehicles for their employees and officials subject to the usual government auditing and accounting rules and regulations."

SECTION 2. This Order shall take effect immediately.

DONE in the City of Manila, this 27th day of March, in the year of Our Lord, Two Thousand and Six.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 1 - 110-A]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 111

AUTHORIZING THE VICE PRESIDENT, CONCURRENTLY CHAIRMAN OF THE HOUSING AND URBAN DEVELOPMENT COORDINATING COUNCIL, TO PERFORM ALL POWERS AND FUNCTIONS NECESSARY TO IMPLEMENT THE RESETTLEMENT AND RELOCATION PROGRAMS TO CLEAR THE RAIL RIGHTS-OF-WAY OF THE PHILIPPINE NATIONAL RAILWAYS LINES

WHEREAS, the rehabilitation and development of the PNR Lines are priority projects of the National Government envisioned to catalyze economic activity and enhance the mass transportation system in Metro Manila, including Northern and Southern Luzon;

WHEREAS, portions of the project sites and the necessary rights-of-way (ROW) for the rail system are currently occupied by informal settler families numbering to approximately 80,000 households;

WHEREAS, the implementation of priority rail projects cannot proceed in a significant way unless the ROW are cleared of informal settlers;

WHEREAS, there is a need to effectively and carefully manage, direct, coordinate, and monitor all efforts by the national and local governments to ensure the timely, peaceful and orderly relocation and resettlement of the families to be affected by the rail development projects; and

WHEREAS, the Housing and Urban Development Coordinating Council (HUDCC) is mandated by law to coordinate and monitor the activities of all government housing agencies to ensure the accomplishment of the goals of the National Shelter Program.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Lead Agency for the Implementation of the PNR Rail Systems Resettlement and Relocation Programs. The NHA shall serve as the lead agency in the implementation of Rail-Related Resettlement and Relocation Programs. It shall principally carry out, coordinate and monitor all government projects and activities necessary to ensure the timely, peaceful and orderly relocation and resettlement of the families to be affected by the development of the PNR Rail System.

SEC. 2. Role of the Vice President and HUDCC Chairman. The Vice President of the Philippines and HUDCC Chairman is hereby authorized to direct, manage and coordinate all activities, mobilize available government resources, and call on the assistance of all government agencies concerned for the implementation of the Rail Related Resettlement and Relocation Programs in accordance with applicable laws.

SEC. 3. Cooperation and Support of Government Agencies. All departments, bureaus, offices and other government agencies and instrumentalities, including government owned and/or controlled corporations are hereby directed to extend full cooperation, support and assistance to the HUDCC and the Office of the Vice President regarding all matters and requests specifically related to and covered by this Order.

All concerned government agencies, particularly the Department of Budget and Management, shall, as their respective budgets may allow, give priority and immediate attention to the funding requirements necessary to perform all tasks and functions under the Approved Program of Activities.

SEC. 4. Separability Clause. If any provision of this Order is declared invalid, other provisions not affected thereby shall remain effective.

SEC. 5. Repealing Clause. All orders, issuances or parts thereof, which are inconsistent with this Administrative Order, are hereby repealed or modified accordingly.

DONE in the City of Manila, this 8th day of November, in the year of Our Lord, Two Thousand and Four.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2004). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 112

**DIRECTING THE NATIONAL ELECTRIFICATION ADMINISTRATION TO TAKE FULL
AND SOLE AUTHORITY AND RESPONSIBILITY IN THE CONVERSION OF ELECTRIC
COOPERATIVES INTO STOCK COOPERATIVES**

WHEREAS, Republic Act No. 9136, otherwise known as the Electric Power Industry Reform Act of 2001 (hereinafter “EPIRA Law”), passed on 08 June 2001, provides for the promotion of rural electrification;

WHEREAS, Section 57 of the EPIRA Law provides for the conversion of electric cooperatives into either stock cooperatives under the Cooperatives Development Act or stock corporations under the Corporation Code;

WHEREAS, in order to achieve the aforementioned purpose, the National Electrification Administration (“NEA”) was given additional mandates to develop and implement specific programs that shall prepare electric cooperatives in operating and competing under the deregulated electricity market within five (5) years from the effectivity of EPIRA Law, strengthen the technical capability and financial viability of rural electric cooperatives, and enhance the viability of rural electric cooperatives as electric utilities;

WHEREAS, to enable the NEA to perform its additional mandates, the Implementing Rules and Regulations of the EPIRA Law, specifically Section 7, paragraph c (i) of Rule 7 thereof, mandates the NEA to promulgate the Guidelines in the Conduct of Referendum of the members of electric cooperatives who intend to convert the same into either stock cooperatives or stock corporations.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. The National Electrification Administration shall have full and sole authority and responsibility in the conversion of electric cooperatives into stock cooperatives.

Section 2. All issuances, rules and regulations, or parts thereof that are inconsistent with this Administrative Order are hereby repealed, amended or modified accordingly.

Section 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 7th of December, in the year of Our Lord, Two Thousand and Four.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2004). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 113

DIRECTING THE EXECUTIVE DIRECTOR OF THE NATIONAL HISTORICAL INSTITUTE TO
ORGANIZE THE OBSERVANCE OF THE 108TH ANNIVERSARY OF THE DEATH OF
DR. JOSE P. RIZAL ON DECEMBER 30, 2004

I, **GLORIA MACAPAGAL-ARROYO**, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby direct the Executive Director of the National Historical Institute to organize the observance of the 108th anniversary of the death of Dr. Jose P. Rizal on December 30, 2004.

The Department of Budget and Management is hereby authorized to release the amount of Three Million Pesos (P3,000,000.00), chargeable against the President's Contingent Fund for FY 2004, pursuant to Republic Act No. 9206, as reenacted, to defray the expenses for the year 2004 activities commemorating the 108th anniversary of the death of Dr. Jose P. Rizal.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 23rd day of December, in the year of Our Lord, Two Thousand and Four.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2004). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 114

DIRECTING THE SECRETARY OF FOREIGN AFFAIRS TO COORDINATE THE PHILIPPINE ACTIVITIES IN CONNECTION WITH THE CELEBRATION OF THE 30TH ANNIVERSARY OF THE ESTABLISHMENT OF DIPLOMATIC RELATIONS BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE PEOPLE'S REPUBLIC OF CHINA

WHEREAS, on 9 June 2005, the Republic of the Philippines and the People's Republic of China will commemorate the 30th year of the establishment of diplomatic relations;

WHEREAS, China is an important bilateral partner of the Philippines and its ascendancy as an economic and regional power signifies the development of meaningful relations with China as a strategic agenda of Philippine foreign policy;

WHEREAS, the 30th anniversary of Philippine-China diplomatic relations presents an opportunity for the Philippines to promote its national interest through enhanced bilateral relations and the establishment of a comprehensive and coordinated program to promote the country to achieve the following:

- a) Improved image of the country in China;
- b) Increased bilateral trade;
- c) Additional foreign direct investments from China;
- d) Increased tourism activity in the country;
- e) Openings for the service sector;
- f) Enhanced business confidence on both sides;
- g) Expanded people-to-people exchanges; and
- h) Improved government-to-government relations.

WHEREAS, there is a need to identify a coordinator who will oversee the activities and events that will be held in 2005 related to the 30th anniversary celebrations;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Coordinator. The Secretary of Foreign Affairs, hereinafter referred to as Coordinator, is directed to coordinate the program of activities in connection with the celebration of the 30th anniversary of the establishment of diplomatic relations between the Republic of the Philippines and the People's Republic of China. The Coordinator shall be responsible for the implementation of this Administrative Order.

Section 2. Adviser. The Coordinator is authorized to elicit the advice of former President Fidel V. Ramos in the performance of his functions.

Section 3. Powers and Functions of the Coordinator. The Coordinator shall exercise the following powers and functions:

- a) Serve as the over-all coordinator of the events and programs for the Philippines related to the 30th anniversary celebration;
- b) Integrate and coordinate the efforts of the various government agencies and private sector organizations on Philippine image-building campaigns in China;
- c) Call upon the support of any department, bureau or office of the Government, including government-owned and controlled corporations for any assistance deemed necessary in the implementation of this Administrative Order;
- d) Propose projects for immediate implementation and recommend funding thereof;
- e) Partner with private sector institutions to secure, approve and manage financial resources for the programs for the celebration; and
- f) Perform other functions as may be deemed necessary in order to achieve the objectives of this Administrative Order.

Section 4. Executive Secretariat. The Coordinator shall appoint an Executive Secretariat that shall monitor and integrate the projects and activities of the implementing agencies of the Government and partners in the private sector. The Executive Secretariat shall be composed of personnel appointed by the Coordinator.

Section 5. Funding. A sum of Five Million Pesos (P5,000,000.00) from sources to be identified by the Department of Budget and Management is hereby provided to the Coordinator as seed money for financing the programs approved by the latter. The Coordinator shall raise funds from various sources whenever necessary.

Section 6. Separability Clause. If any part or provision of the Administrative Order is held invalid or unconstitutional, the other parts or provisions not affected shall remain valid and effective.

Section 7. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 24th day of January, in the year of Our Lord, Two Thousand and Five.

(Sgd.) **GLORIA MACAPAGAL - ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2005). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 115
AUTHORIZING GRANT OF PRODUCTIVITY ENHANCEMENT PAY

WHEREAS, government agencies exerted commendable efforts to maximize the limited financial resources and thus ensure the success of the Austerity Program embodied under Administrative Order No. 103;

WHEREAS, in recognition of the contribution of government personnel in providing quality service to the Filipino people despite the austerity measures adopted in 2004;

WHEREAS, it is the policy of the government to improve the economic welfare of government personnel;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby direct:

SECTION 1. All personnel of national government agencies including government-owned or controlled corporations (GOCCs) government financial institutions (GFIs) whose employment is in the nature of a regular employee, whether permanent, temporary, casual and contractual basis and who have rendered at least four (4) months of service as of December 31, 2004, are entitled to receive Productivity Enhancement Pay (PEP) in the amount of Three Thousand Pesos (P3,000.00) each.

SECTION 2. Government personnel who have rendered less than four (4) months of service as of December 31, 2004 shall also be entitled to PEP on a pro-rated basis, as follows:

Length of Service	Percentage
3 months but less than 4 months	40%
2 months but less than 3 months	30%
1 month but less than 2 months	20%
Less than 1 month	10%

SECTION 3. The PEP shall be granted to all government personnel who have not received any extra cash gift or additional benefit in FY 2004, over and above the year-end benefit authorized under R.A. No. 6686, as amended by R.A. No. 8441.

SECTION 4. Funds needed to implement this Order shall be charged against the following:

- a. For national government agencies except the Constitutional Offices/Fiscal Autonomy Group (CFAG)
 - ← Available net savings reported by the departments/agencies as of December 31, 2004; and
 - ← All unreleased appropriations under the FY 2004 budget, which shall be pooled for the purpose.
- b. For agencies belonging to the CFAG, the amount shall be charged against their available savings;

- c. For GOCCs and GFIs the amount needed shall be charged against their respective corporate funds.

SECTION 5. Payment of this benefit shall not be made earlier than February 14, 2005.

SECTION 6. The implementing rules and regulations covering this Order shall be issued by the Department of Budget and Management.

SECTION 7. This Order shall take effect immediately.

DONE in the City of Manila, this 9th day of February, in the year of Our Lord, Two Thousand and Five.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2005). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 116

PROVIDING INTEGRATED ASSISTANCE TO FILIPINO REPATRIATES FROM SABAH, AND
DESIGNATING THE DEPARTMENT OF LABOR AND EMPLOYMENT AS LEAD AGENCY

WHEREAS, the State is mandated by the Constitution to afford full protection and assistance to overseas Filipinos;

WHEREAS, the assistance to overseas Filipinos is considered as a pillar of the government's foreign policy;

WHEREAS, the current developments in Sabah make it imperative to organize an integrated and systematic welfare and assistance program to extend the necessary help to affected overseas Filipinos;

WHEREAS, the assistance includes the training and other related interventions, among others, to enhance the readiness of these affected overseas Filipinos for reemployment as well as facilitate their reintegration into our socio-economic community.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Lead Agency. The Department of Labor and Employment (DOLE) shall be the lead agency in providing integrated assistance to Filipino repatriates from Sabah.

Sec. 2. Agency Support. The DOLE shall coordinate the integrated assistance by seeking technical, financial and administrative support from the following agencies: Department of Foreign Affairs (DFA), Department of National Defense (DND), Department of Social Welfare and Development (DSWD), Department of Health (DOH), Overseas Workers Welfare Administration (OWWA), Philippine Overseas Employment Administration (POEA), Technical Education and Skills Development Authority (TESDA), Bureau of Immigration (BI), National Bureau of Investigation (NBI), Philippine National Police (PNP), Office of Muslim Affairs (OMA), National Statistics Office (NSO), Office of the Governor of Tawi-tawi, Office of the Governor of Sulu, and Office of the City Mayor of Zamboanga City.

Sec. 3. Integrated Assistance. The DOLE, by itself or through the agencies mentioned in Section 2 hereof, shall:

- a. Ensure an integrated and well-coordinated assistance and services to the returning Filipinos from Sabah and network with all agencies, both national and local, in order to assure the welfare and well-being of said repatriates;
- b. Ensure maximum humanitarian facilities and social support services to include the reception, classification, alternative livelihood, temporary shelter, as well as the efficient transport of returning Filipino citizens from Sabah to their respective places of origin;
- c. Provide adequate health services to returning Filipinos as may be deemed necessary upon their arrival in the Philippines;
- d. Facilitate the necessary documentation of qualified Filipinos who may opt to return to Sabah provided they comply with all immigration laws and regulations of Malaysia;

- e. Make available to the returning Filipinos such security arrangements as may be necessary to protect their safety and health while in transit and upon their arrival in the Philippines;
- f. Augment whatever available processing centers already in place in Southern Philippines and put up more centers as the government resources may afford in order to assure a smooth reception of the arriving Filipinos;
- g. Perform such other acts as the DOLE may consider necessary for the effective implementation of this Administrative Order;
- h. Submit to the Office of the President a complete report on the implementation of this Administrative Order.

Sec. 4. Funding. The Department of Budget and Management is hereby directed to release to the DOLE, the initial amount of **TWO MILLION PESOS (PhP 2,000,000.00)** to be taken from the savings of all the participating agencies, in order to provide resources for the smooth implementation of this Administrative Order.

Sec. 5. Assistance. The DOLE is hereby authorized to call upon all other agencies whose assistance and support may be deemed necessary to the effective performance of all these functions, and said agencies are hereby directed to extend full cooperation thereto.

Sec. 6. Effectivity. This Administrative Order shall take effect immediately.

Done, in the City of Manila, this 14th day of March, in the year of our Lord, Two Thousand and Five.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2005). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 117

PROVIDING FOR ADJUSTED OFFICIAL HOURS IN DEPARTMENTS, BUREAUS, OFFICES AND OTHER AGENCIES IN THE EXECUTIVE BRANCH, INCLUDING GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS, FOR THE MONTHS OF APRIL AND MAY 2005

WHEREAS, developments in the world market have pushed crude oil prices to record highs;

WHEREAS, it is imperative for the Government to lead the way in energy conservation, without jeopardizing the delivery of public service, in order to mitigate the impact of the oil price increases on the Government's fiscal position and the country's dollar reserves;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Departments, bureaus, agencies and offices in the Executive Branch of Government, including Government-Owned and Controlled Corporations (GOCCs) shall adopt a four-day workweek for the months of April and May, 2005. Accordingly, all employees of such agencies shall report for work from 7:30 a.m. – 6:30 p.m., from Monday to Thursday of each workweek, except on holidays, and render services of ten (10) hours a day, exclusive of meal periods.

SECTION 2. This Administrative Order shall not cover the Armed Forces of the Philippines, Philippine National Police, Bureau of Fire Protection, Bureau of Jail Management and Penology, Philippine Coast Guard, Bureau of Internal Revenue, Bureau of Customs, Government hospitals and health centers, public schools and universities with previously set summer classes, and other Government agencies rendering vital and frontline services or those involved in providing health, safety, security, protection, emergency and other services that need to be available on a continuing basis.

As such, the Department or equivalent agency heads shall identify those vital and frontline services which need to be available on a regular five-day workweek or on a continuing basis and report their exemption to the Office of the President, taking into consideration the interests of their clients and beneficiaries of their services, as well as the savings in utilities to be generated.

SECTION 3. The Legislative and Judicial branches of Government, Constitutional Commissions and Local Government Units (LGUs) are encouraged to adopt the four-day workweek during the months of April and May of this year.

SECTION 4. As provided for under Section 4 of Administrative Order No. 103 (*Directing the Continued Adoption of Austerity Measures by the Government*) dated August 31, 2004, all Departments and agencies of the Government are directed to prepare and submit to the Office of the President an austerity plan and, thereafter to regularly submit a report to the Department of Budget and Management (DBM), on the savings generated on the implementation of the plan, including those from the implementation of this Order, on which, a consolidated report shall be submitted to the Office of the President.

SECTION 5. The DBM shall issue guidelines, rules and regulations on the compensation of Government employees affected by the four (4) day workweek scheme. There shall be no diminution of salaries or benefits in the implementation of this Order.

SECTION 6. This Order shall take effect from April 4 to May 31, 2005, unless otherwise extended.

DONE in the City of Manila, this 28th day of March, in the Year of Our Lord, Two Thousand and Five.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2005). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 118

**DELEGATING THE AUTHORITY TO APPROVE APPLICATIONS FOR LICENSES TO
MANUFACTURE OR DEAL IN FIREARMS, PARTS OF FIREARMS, AMMUNITION OR
EXPLOSIVES TO THE SECRETARY OF INTERIOR AND LOCAL GOVERNMENT**

WHEREAS, Presidential Decree (PD) No. 1866 dated June 29, 1983, as amended, codified the laws on illegal/unlawful possession, manufacture, dealing in, acquisition or disposition, of firearms, ammunition or explosives or instruments used in the manufacture of firearms, ammunition or explosives and imposing stiffer penalties for certain violations thereof and for relevant purposes;

WHEREAS, Section 2 of the implementing rules and regulations of PD 1866 provides that the corresponding permit/license for any person or entity desiring to manufacture firearms, ammunition or explosives, shall be issued only with the prior approval of the President;

WHEREAS, Section 883 of the Administrative Code of 1917 states that any application to manufacture or deal in firearms, parts of firearms or ammunition thereof requires the approval of the President;

WHEREAS, the delegation of the authority of the President to approve applications for licenses to manufacture or deal in firearms, parts of firearms, ammunition or explosives to the Secretary of Interior and Local Government will streamline the process of securing such licenses, thereby improving the rendition of services;

WHEREAS, sound principles of organization and governance demand that the President be able to concentrate on more urgent and vital functions;

WHEREAS, the various executive and administrative functions of the President may be performed by and through the Executive Departments which are under the control of the President;

WHEREAS, under the Revised Administrative Code of 1987 and other related laws and issuances, the President has the continuing authority to reorganize the Executive Department;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby delegate the authority to approve applications for licenses to manufacture or deal in firearms, parts of firearms, ammunition or explosives, incumbent upon the President, to the Secretary of Interior and Local Government. Approved applications, including all supporting documents, shall be submitted to the Office of the Executive Secretary within thirty (30) days from such approval.

All issuances, orders, rules and regulations, or parts thereof, inconsistent with this Order are hereby repealed, amended or modified accordingly.

This Order shall take effect immediately.

DONE, in the City of Manila, this 24th day of May, in the year of our Lord, Two Thousand and Five.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2005). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 119
RESUMPTION OF THE FIVE-DAY WORKWEEK OF GOVERNMENT EMPLOYEES

WHEREAS, the four-day workweek was adopted in departments, bureaus, offices and other agencies in the Executive Branch, including government-owned and/or controlled corporations, pursuant to Administrative Order No. 117 to cover the months of April and May 2005;

WHEREAS, the adoption of the four-day workweek for April and May has led to the generation of the targeted savings for the two-month period;

WHEREAS, with the forthcoming school opening in June 2005, the services of a vast majority of government personnel are needed on a usual five-day a week basis;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the resumption of the five-day workweek of government employees on the week beginning May 30, 2005.

DONE in the City of Manila this 27th day of May, in the Year of our Lord, Two Thousand and Five.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2005). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 120
AUTHORIZING THE GRANT OF EDUCATIONAL ASSISTANCE FOR FY 2005

WHEREAS, government employees have provided quality service to the Filipino people despite the government's austerity measures;

WHEREAS, in recognition of their contributions, it is but humane and proper to alleviate them from their present financial woes;

WHEREAS, there is a need to help government personnel cope with the rising cost of education.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby direct:

SECTION 1. Except for those covered under Section 3 hereof, all personnel of national government agencies (NGAs), including state universities and colleges (SUCs), government-owned and/or controlled corporations (GOCCs), and government financial institutions (GFIs), under permanent, temporary or casual status, including contractual personnel whose employments are in the same nature as those of regular personnel, and who have rendered at least four (4) months of service as of May 31, 2005, are entitled to receive Educational Assistance (EA) in the amount of One Thousand Pesos (P1,000.00) each.

SEC. 2. Government personnel who have rendered less than four (4) months of service as of May 31, 2005 shall also be entitled to EA on a pro-rated basis, as follows:

Length of Service	Percentage
3 months but less than 4 months	40%
2 months but less than 3 months	30%
1 month but less than 2 months	20%
Less than 1 month	10%

SEC. 3. This benefit shall not be granted to government personnel who were already granted any form of educational assistance or similar benefits, or are entitled to be granted said benefit under existing laws or enabling acts.

SEC. 4. Funding Sources:

- a. Except the Constitutional Offices/Fiscal Autonomy Group (CFAG), the amounts necessary for the payment of the EA shall be charged against the funds of the national government.
- b. For agencies belonging to the CFAG, the amount shall be charged against their available savings.
- c. For GOCCs and GFIs, the amounts shall be charged against their respective corporate funds.

SEC. 5. Payment of this benefit shall be made immediately.

SEC. 6. The Department of Budget and Management shall issue the necessary rules and regulations to implement this Order.

SEC. 7. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 7th day of June, in the year of Our Lord, Two Thousand Five.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2005). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 121

DIRECTING ALL GOVERNMENT OFFICES TO STRICTLY COMPLY WITH ADMINISTRATIVE ORDER NO. 03 (S. 2001) PROHIBITING THE ACQUISITION AND USE BY GOVERNMENT OFFICES INCLUDING GOVERNMENT OWNED OR CONTROLLED CORPORATIONS, GOVERNMENT FINANCIAL INSTITUTIONS, STATE UNIVERSITIES AND COLLEGES AND LOCAL GOVERNMENT UNITS OF LUXURY VEHICLES

WHEREAS, in light of the present economic situation facing the country today, there is an urgent need to undertake decisive measures to highlight the government's unwavering commitment to public interest;

WHEREAS, the present Administration adheres to the time-honored principle of public office being a public trust;

WHEREAS, the judicious and responsible utilization of government resources is one of the pillars of good governance;

WHEREAS, to set the moral tone, it is necessary to reiterate the prohibition imposed on the acquisition and use by government offices of luxury vehicles to uphold the government's sworn duty to exemplify the values of integrity, professionalism, public accountability and simple living in public service;

WHEREAS, on February 27, 2001, Administrative Order No. 03 was issued prohibiting the acquisition and use by all government offices of luxury vehicles;

WHEREAS, under Administrative Order No. 03, subject to exceptions, all government offices, including government-owned and controlled corporations, government financial institutions, state universities and colleges and local government units, were directed to account for all their motor vehicle units and prepare a disposal program for all luxury motor vehicles according to the procedure provided for therein.

WHEREAS, Administrative Order No. 03 also directed all government offices to dispose of such vehicles by public auction or sale in compliance with applicable laws, rules and regulations, and to turn over the proceeds of such disposition to the National Treasury in the case of national government offices/agencies, to their respective operating funds in the case of government-owned and controlled corporations and government financial institutions, and to their respective local funds in the case of local government units.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order all government offices, including government-owned and controlled corporations, government financial institutions, state universities and colleges and local government units to strictly comply with the provisions of Administrative Order No. 03 dated February 27, 2001.

Compliance with this Order, including final disposition of covered luxury vehicles and turnover of proceeds, shall be completed within 60 days from date of issuance hereof.

All heads of government offices shall promptly submit an appropriate report to the President, through the Executive Secretary, of compliance with this Order.

All government offices are strictly enjoined to observe the government's austerity program in order to ensure the continued success of the government's economic reforms.

DONE in the City of Manila, this 30th day of June, in the year of our Lord, two thousand and five.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2005). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 122
DIRECTING ALL GOVERNMENT OFFICES TO STRICTLY COMPLY WITH PRESIDENTIAL
DECREE NO. 96 DECLARING UNLAWFUL THE INDISCRIMINATE USE OF SIRENS,
BLINKERS OR SIMILAR DEVICES

WHEREAS, the indiscriminate use of sirens, blinkers or similar devices obstructs the efficient flow of traffic along the country's major thoroughfares;

WHEREAS, the improper use of these devices poses as a safety and traffic hazard to both motorists and pedestrians;

WHEREAS, it is necessary to remind concerned government offices and agencies of the proper use of these devices;

WHEREAS, on January 13, 1973, Presidential Decree No. 96 was issued declaring it unlawful for any owner or possessor of any motor vehicle to use or attach to his vehicle any siren, bell, horn, whistle or similar gadgets that produce exceptionally loud or startling sounds, including domelights, blinkers and other similar signaling or flashing devices;

WHEREAS, under Presidential Decree No. 96, such gadgets or devices may be attached to and used only on motor vehicles designated for official use by the Armed Forces of the Philippines, National Bureau of Investigation, Land Transportation Office, Police Departments, Fire Departments and hospital ambulances;

WHEREAS, in order to serve as an example and encourage the general public to comply with the provisions of Presidential Decree No. 96, government officials and employees not falling within the exceptions provided for therein should take the lead in strictly observing the prohibitions on the use of sirens, blinkers or similar and devices as provided for in Presidential Decree No. 96;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order all government offices and agencies to strictly adhere to the provisions of Presidential Decree No. 96 dated January 13, 1973.

DONE in the City of Manila, this 30th day of June, in the year of our Lord, two thousand and five.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2005). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 123

AUTHORIZING THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS TO PERFORM ALL POWERS AND FUNCTIONS NECESSARY TO CONNECT THE COUNTRY THROUGH THE DEVELOPMENT OF TRANSPORTATION NETWORKS SUCH AS THE ROLL-ON/ROLL-OFF SYSTEM

WHEREAS, the development of the Roll-On/Roll-Off System will provide the linkages among the islands of the country enhancing accessibility to promote trade, tourism and reduce transport;

WHEREAS, Executive Order Nos. 170 and 170-A were issued to encourage private sector participation in the Roll-On/Roll-Off Terminal System (RRTS) by providing streamlined processing of permits, financing and incentives;

WHEREAS, the Strong Republic Nautical Highway (SRNH) was established to demonstrate the viability of the RO-RO System by providing an alternative route linking Luzon, Visayas and Mindanao in the Western Seaboard;

WHEREAS, the Medium-Term Philippine Development Plan (MTPDP) for 2005-2010 provides for the prioritization and development of the RO-RO System through the establishment of the Nautical Highway System composed of the Western, Eastern and Central Nautical Highway System;

WHEREAS, there is a need to effectively and carefully plan, manage, direct, coordinate and monitor the efforts of the national government agencies, local government units, financial institutions and the private sector for the continued and integrated implementation of the RO-RO System in the country; and

WHEREAS, the Department of Transportation and Communications including its attached agencies, is primarily responsible for inter-modal transport policy and planning, port and shipping development and regulation, maritime security and safety.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Lead Agency for the Implementation of the RO-RO System. The Department of Transportation and Communications (DOTC) shall serve as the lead agency in the implementation of the RO-RO System in the country, including but not limited to the RRTS, SRNH and Nautical Highway System. It shall primarily carry out the planning, coordination, implementation and monitoring of all RO-RO System projects to ensure the effective and integrated development of the RO-RO System in the country.

SEC. 2. Role of the DOTC Secretary. The DOTC Secretary is hereby authorized to direct, manage and coordinate all activities, mobilize available government resources and call on the assistance of all government agencies concerned for the implementation of the RO-RO System in accordance with applicable laws.

SEC. 3. Cooperation and Support of Government Agencies. All departments, bureaus, offices and other government agencies and instrumentalities, including government-owned and/or controlled corporations are hereby directed to extend full cooperation, support and assistance to the DOTC and the DOTC Secretary regarding all matters and requests specifically related to and covered by this order.

The following departments, agencies and corporations shall form the core of the inter-agency group for the development and implementation of RO-RO system with the following composition:

Secretary, Department of Transportation and Communications	– Chairman
Administrator, Maritime Industry Authority	– Co-Vice-Chairman
General Manager, Philippine Ports Authority	– Co-Vice-Chairman

As members, the following departments/entities shall be included and represented by an Assistant Secretary or an Official of equivalent rank:

Department of Public Works and Highways
Department of Agriculture
Department of Tourism
Department of Trade and Industry
Department of Interior and Local Government
Development Bank of the Philippines

The private sector shall also be included and represented from the following associations:

Federation of Philippine Industries
Philippine Chamber of Commerce and Industry
Distribution Management Association of the Philippines

The DOTC shall provide a Secretariat for the Inter-Agency Group to be headed by an Assistant Secretary and composed of officials of the Department and its attached agencies with a rank equivalent to a Director.

SEC. 4. Separability Clause. If any provision of this Order is declared invalid, other provisions not affected thereby shall remain effective.

SEC. 5. Repealing Clause. All orders, issuances, or parts thereof, which are inconsistent with this Administrative Order, are hereby repealed or modified accordingly.

SEC. 6. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 4th day of July, in the year of Our Lord, Two Thousand and Five.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2005). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 124

DIRECTING THE NATIONAL SECURITY ADVISER/DIRECTOR GENERAL, NATIONAL SECURITY COUNCIL TO REVITALIZE THE NATIONAL INTELLIGENCE COMMUNITY AND OTHER PURPOSES

WHEREAS, our country's national development continues to be confronted with various challenges that pose serious implications for national political stability and security;

WHEREAS, these challenges necessitate greater resources and a comprehensive effort involving the entire government machinery, especially the Intelligence Community;

WHEREAS, many intelligence communities worldwide have implemented varied technological reforms including the creation of counter-terrorism units, intelligence fusion centers and information technology hubs as part of efforts to make them more responsive to the emerging national security threats;

WHEREAS, it is in the national interest to re-engineer and reinforce the national Intelligence Community to render it more responsive to the ever-increasing requirements of the national leadership and promote intelligence fusion at all levels;

WHEREAS, Administrative Order No. 149, series of 1989 directs the Director General, National Security Council to provide regular guidance and direction to the National Intelligence Coordinating Agency and members of the Intelligence Community;

WHEREAS, Administrative Order No. 2, series of 1992 authorizes the National Security Council Director to revitalize the Intelligence Community and re-orient its activities towards attaining broader national goals;

WHEREAS, Executive Order No. 366 directs the strategic review of the operations and organizations of the entire Executive Branch to transform the bureaucracy into an effective and efficient institution;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order and direct the National Security Adviser/Director General, NSC to revitalize the Intelligence Community to render it more responsive to the demands of the new security environment consistent with the following directives and guidelines:

SECTION 1. Coverage. This Administrative Order shall cover all members of the Intelligence Community.

SECTION 2. Re-organization of the Intelligence Community. The NSA/DG, NSC is hereby directed to re-organize the Intelligence Community and revitalize the same through streamlining or expansion of concerned intelligence services/organizations, as necessary and undertake such other tasks to ensure that their activities are responsive to the needs and requirements of the national leadership.

SECTION 3. Review of Operations and Organizations. The members of the Intelligence Community shall each undertake a strategic scrutiny and rationalization of their respective organizations, functions, systems and processes as well as their respective financial requirements for

this purpose. The entire effort is geared towards the development/improvement of each member's capability vis-à-vis preparation of departmental and national intelligence.

The members of the national Intelligence Community shall thereafter prepare their respective re-organization/rationalization proposals to be submitted to the ONSA/ODG, NSC for review/consolidation and subsequent endorsement for the approval of the President.

SECTION 4. *Intelligence Audit.* The NSA/DG, NSC in his capacity as Chair of the National Intelligence Board shall conduct periodically an audit of the Intelligence Community's overall performance to ensure that the reforms undertaken achieve the identified goals.

SECTION 5. *Effectivity.* This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 28th day of July, in the year of Our Lord, Two Thousand and Five.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2005). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT OF THE PHILIPPINES
MALACANANG

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 125
DROPPING EXECUTIVE DIRECTOR CECILE S. ABELLA FROM THE ROLLS OF LAND
TRANSPORTATION AND FRANCHISING REGULATORY BOARD

This refers to the case of Atty. Cecile S. Abella, Executive Director of the Land Transportation and Franchising Regulatory Board (LTFRB), who was given poor performance rating by her superior for the 2004 rating period. Atty. Abella belongs to the third level officers (CESO)¹ who are rated per annum and not per semester.

On 26 January 2004, Atty. Abella, together with other LTFRB Officials, was issued a Memorandum by LTFRB Chairperson Bautista directing her to submit a written explanation why no disciplinary action shall be meted against her for her inability to perform the duties and functions as Chairman of the Insurance Monitoring Review Committee for the Personal Passenger Accident Insurance Program being implemented by the LTFRB.

Again, in a Memorandum dated 16 November 2004 of LTFRB Chairperson Bautista to Atty. Abella re Explanation on Admired Technologies, Inc. letter dated 28 January 2002, Chairperson Bautista instructed Atty. Abella to submit “(w)ithin 24 hours upon receipt of this memorandum” Atty. Abella’s “response to the Office of the Chairperson” addressing, among others, “(e)xplanation on the various deficiencies and shortcomings committed by LTFRB, which you and Chairman Lantin explicitly admitted.”

Also, in a Memorandum dated 14 December 2004 of LTFRB Chairperson Bautista to Atty. Abella re Submission of Required Documents of Admired Technologies, Inc., LTFRB Chairperson Bautista instructed Atty. Abella to submit the required documents within seventy-two (72) hours from receipt thereof, but which she subsequently failed to comply. Thus, the same was reiterated in LTFRB Chairperson Bautista’s Memorandum dated 08 February 2005.

Despite such written warnings to Atty. Abella, she miserably failed to improve her performance in the succeeding months of 2004. For such reason, she was given an over-all poor performance for the 2004 rating period. Atty. Abella’s repeated, unabated and consistent failure to comply with her assigned tasks continued in 2005 as evidenced by various Memoranda issued by LTFRB Chairperson Bautista directing her to comply with her assigned tasks.

In summary, the following are the various Memoranda issued by LTFRB Chairperson Bautista to Atty. Abella directing her to submit written explanations for her failure to fulfill her functions as Executive Director of the LTFRB, to wit:

¹ The third level shall cover the positions in the Career Executive Service [Section 8 (c), Chapter II, Title I, Book V, of the Revised Administrative Code of 1987]. Further, third level refers to positions in the Career Executive Service (CES) which include Undersecretary, Assistant Secretary, Bureau Director, Regional Director, Assistant Regional Director and other officers of equivalent rank [Section 1 (o), Rule I, CSC Memorandum Order No. 19-99 (s. 1999)].

- a. Memorandum dated 16 November 2004 of LTFRB Chairperson Bautista to Atty. Abella re Explanation on Admired Technologies, Inc. letter dated 28 January 2002
- b. Memorandum dated 14 December 2004 of LTFRB Chairperson Bautista to Atty. Abella re Submission of Required Documents of Admired Technologies, Inc. within seventy-two (72) hours from receipt thereof
- c. Memorandum dated 26 January 2004 re To Submit Written Explanation (why no disciplinary action shall be meted against her for inability to perform her duties and functions)
- d. Memorandum dated 05 January 2005 re Failure to Comply with LTFRB Memorandum dated 07 July 2004 re: Issuance of Memorandum Circulars
- e. Memorandum dated 05 January 2005 re Failure to Comply with Assigned Tasks
- f. Memorandum dated 06 January 2005 re Habitual Tardiness
- g. Memorandum dated 24 January 2005 re Failure to Comply with Assigned Tasks
- h. Memorandum dated 08 February 2005 re Reiteration of LTFRB Memorandum dated 14 December 2004 (submission of the documents related to the Admired Technologies being sought by the Office of the Solicitor General)
- i. Memorandum dated 14 February 2005 re Failure to Submit the Required Documents of Admired Technologies, Inc.

Thus, in a letter dated 16 February 2005 of LTFRB Chairperson Maria Elena H. Bautista addressed to Civil Service Commission (CSC) Chairperson Karina Constantino-David, Chairperson Bautista requested for the involuntary placement of Atty. Abella in the Career Executive Service Officer (CESO) Pool, for (1) want of capacity to perform respective duties and responsibilities based on Poor Performance rating; (2) agency head's loss of confidence; and (3) difference in policy directions.

CSC Chairperson Constantino-David denied the request for the involuntary placement of Atty. Abella in the CESO Pool. She further informed LTFRB Chairperson Bautista that pursuant to the CSC rules, an official or employee, who was rated poor in performance in one evaluation period, may be dropped from the rolls.

In view of the letter of CSC Chairperson Constantino-David, LTFRB Chairperson Bautista recommended for the dropping from the rolls of Executive Director Abella in her Memorandum dated 21 March 2005 addressed to Department of Transportation and Communications (DOTC) Secretary² Leandro R. Mendoza.

In his Memorandum for the President dated 29 March 2005, DOTC Secretary Mendoza recommended for "the dropping from the rolls of LTFRB Executive Director Cecile S. Abella pursuant to Section 2.2 (b) Rule XII under the Revised Omnibus Rules on Appointments and Other Personnel Actions."

Based on the records, the poor performance rating given to Atty. Abella by LTFRB Chairperson Bautista is based on her repeated, unabated and consistent failure to comply with her assigned tasks.

Further, records reveal that Atty. Abella's repeated, unabated and consistent failure to comply with her assigned tasks continued in 2005 as evidenced by various Memoranda issued by LTFRB Chairperson Bautista directing her to comply with her assigned tasks.

² Under Section 18, Chapter 5, Title XV, Book IV of the Revised Administrative Code, the Secretary of Transportation and Communications exercises administrative supervision and control over the LTFRB.

WHEREFORE, in accordance with Section 2.2 (b), Rule XII of Civil Service Memorandum Circular No. 40 (s. 1998), and upon the recommendation of the Department of Transportation and Communications Secretary, the name of **ATTY. CECILE S. ABELLA**, Executive Director of the LTFRB, is **DROPPED** from the roster of public servants.

Done in the City of Manila, this 28th day of July, 2005.

By Authority of the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2005). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 126
STRENGTHENING MEASURES TO ADDRESS THE EXTRAORDINARY INCREASE IN WORLD
OIL PRICES, DIRECTING THE ENHANCED IMPLEMENTATION OF THE GOVERNMENT'S
ENERGY CONSERVATION PROGRAM, AND FOR OTHER PURPOSES

WHEREAS, pursuant to Republic Act No. 7638, it is declared the policy of the State to ensure a continuous, adequate, reliable and economic supply of energy through the judicious conservation, renewal and efficient utilization of energy, to keep pace with the country's growth and economic development;

WHEREAS, the continuous rise in the prices of oil in the world market has drastically affected the prices of fuel and other domestic products in the country;

WHEREAS, it is imperative that measures be immediately adopted to minimize, if not forestall, any adverse effect of the world prices of oil on the country's economy;

WHEREAS, to cushion the effects of increasing oil prices on the domestic economy, there is a need for the government to exert efforts to promote the judicious use of our energy resources through intensified conservation efforts and efficient utilization thereof;

WHEREAS, on 31 August 2004, the President issued Administrative Order No. 103 (s. 2004), which, among others, required all government agencies, including government-owned and controlled corporations, government financial institutions and other government instrumentalities to adopt austerity measures, including the reduction of at least ten percent (10%) in the cost of the consumption of fuel, electricity and other utilities;

WHEREAS, on 25 October 2004, the President also issued Administrative Order No. 110 (s. 2004) directing the institutionalization of a Government Energy Management Program (GEMP);

WHEREAS, the energy conservation program of the government should also be disseminated to the public in order to create a sustained and intensive program of information and education on energy conservation measures and the efficient utilization of energy;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. All government agencies, including government-owned and controlled corporations, government financial institutions and other government instrumentalities are hereby required to adopt additional measures to limit the use of their petroleum products supplies to essential activities properly authorized by their respective heads.

Pursuant to Administrative Order No. 103 (s. 2004) and Administrative Order No. 110 (s. 2004), all government agencies and offices are hereby mandated to adopt and implement a program that will reduce their fuel consumption for transport by ten percent (10%) of their average monthly consumption for the 1st semester of 2005.

SECTION 2. All government agencies and offices are prohibited from using government vehicles, aircraft and water craft for purposes other than official business: *Provided*, That in every case, the trip ticket authorizing the use of the vehicle shall be displayed on the windshield or in another conspicuous

place on the vehicle: Provided, further, That vehicles used by intelligence and investigative agencies of the government shall not be covered by the foregoing proviso.

The use of government vehicles on Sundays, legal holidays, or out of the regular office hours or outside the route of the officials or employees authorized to use them, or by any person other than such officials or employees, shall unless properly authorized, be prima facie evidence of violation of this Section in the administrative proceeding against the officials or employees responsible for such violation.

All government agencies and offices shall limit the use of government vehicles to essential activities and shall review their travel program and schedules to minimize unnecessary trips.

SECTION 3. Where adequate ventilation is available, all government agencies and offices shall discontinue the use of their airconditioning facilities, especially during the cooler months from August to February.

In cases where airconditioning units are to be used, they shall be switched on not earlier than 9:00 a.m. and switched off not later than 4:00 p.m. During lunch breaks, the airconditioning units shall be switched on “FAN” mode.

SECTION 4. The Energy Conservation Officer (ECO) mandated under Administrative Order No. 110 (s. 2004) shall be responsible for his/her government entity’s compliance with Administrative Order No. 103 (s. 2004), Administrative Order No. 110 (s. 2004) and this executive order, as well as the development and implementation of other energy conservation measures.

A report of compliance shall be submitted monthly, not later than the 15th day following the reporting month, to the Department of Energy which shall prepare and submit a summary report to the President within five (5) days after the last reporting day.

SECTION 5. The Department of Trade and Industry and the Department of Energy shall, in consultation with appropriate trade and industry associations, develop voluntary energy conservation programs for their respective members which shall target levels of reduction in electricity and petroleum products consumption similar to those imposed on government agencies and offices and pinpoint responsibility for monitoring and reporting of performance.

SECTION 6. The Department of Environment and Natural Resources shall, in coordination with appropriate law enforcement agencies, enforce strictly the smoke belching law for all vehicles. Smoke belching caused by improper vehicle maintenance results in very inefficient use of fuel not to mention its adverse impact on the environment.

SECTION 7. The Office of the Communications Director and the Department of Energy shall launch a nationwide information campaign on energy conservation through the media. It shall coordinate with all forms of media to ensure accurate and current dissemination of information on the oil situation, its implications and the course of actions they entail specifying the type of energy conservation measures that can be adapted at the family, community and industry levels.

SECTION 8. All government agencies and offices are directed to cooperate fully in this national energy conservation effort.

The other branches of the government, local government units, and the private sector are strongly urged to adopt similar measures as those provided in this Order.

SECTION 9. The Office of the Executive Secretary shall monitor the implementation of the foregoing measures.

SECTION 10. This Executive Order shall take effect immediately.

DONE in the City of Manila, this 13th day of August, Two Thousand and Five.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2005). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 127

PROVIDING FOR AN INCREASED INFORMATION CAMPAIGN BY GOVERNMENT AGENCIES IN ALL GOVERNMENT OWNED AND CONTROLLED MEDIA OUTLETS REGARDING THEIR POLICIES, PROGRAMS AND OBJECTIVES, AND FOR OTHER PURPOSES

WHEREAS, the government has numerous policies and programs that are aimed at improving the quality of life of the people and ensuring the growth of the nation as a whole;

WHEREAS, these policies and programs, including the accomplishments and performance, of the various agencies of the government are not being proactively and adequately communicated to the people, thereby creating a gap between public perception and reality in the field;

WHEREAS, there is a need to effectively and accurately inform the public of the significant policies, programs and objectives of the various departments and agencies of the government in order to bring governance closer to the people;

WHEREAS, promoting public awareness on the policies, programs and objectives of the government will also encourage the people to take an active role in the formulation and implementation of other policies and programs that affect them;

WHEREAS, the task of communicating the government's various policies, programs and objectives, including their accomplishments and performance, is a responsibility of all departments and agencies of the government, particularly in their respective jurisdictions;

WHEREAS, government-owned and controlled corporations, financial institutions and other government instrumentalities should likewise contribute in informing the people of their own programs, policies and objectives;

WHEREAS, the task of communicating the government's programs need not be costly in view of the government's various media outlets and stations at its disposal;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. All national government agencies, including government-owned and controlled corporations, government financial institutions and other government corporate entities, and their subsidiaries and other instrumentalities under the Executive Department, are hereby directed to undertake increased information dissemination campaign regarding their respective policies, programs and objectives, including their accomplishments and performance, in order to bring government closer to the people.

Section 2. All government agencies are hereby directed to primarily utilize government media entities and stations in such information dissemination campaign.

Section 3. All government media outlets and/or stations are directed to assist the said agencies in the preparation and/or production of said information campaign program.

Section 4. The Office of the Group Head for Mass Media is hereby directed to supervise the preparation and implementation of a media program geared towards increased public awareness.

Section 5. For purposes of this Administrative Order, all national government agencies, including government-owned and controlled corporations, government financial institutions and other government corporate entities, and their subsidiaries and other instrumentalities, are hereby exempted from the provisions of Administrative Order No. 103, Section 1 (a) (4) in their utilization of government media outlets and/or stations in such information dissemination campaign.

Section 6. Local government units are strongly urged to adopt similar measures to disseminate information regarding their policies, programs and objectives, including their accomplishments and performance, using inexpensive and efficient means of information dissemination.

SECTION 7. This Executive Order shall take effect immediately.

DONE in the City of Manila, this 16th day of August, Two Thousand and Five.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2005). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 128

CREATING AN AD HOC COMMITTEE TO TAKE CHARGE OF THE PREPARATIONS TO COMMEMORATE THE SURRENDER OF GENERAL TOMOYUKI YAMASHITA IN KIANGAN, IFUGAO AND BAGUIO ON SEPTEMBER 2 AND 3, 2005 AND OTHER SIGNIFICANT EVENTS LEADING TO THE END OF THE SECOND WORLD WAR IN THE PHILIPPINES

WHEREAS, Administrative Order No. 102 dated 30 July 2004 created an Ad Hoc Committee to commemorate the 60th Anniversary of the Leyte Landings on October 20, 2004;

WHEREAS, it is but fitting to commemorate the 60th Anniversary of other equally significant events in the Philippines, including the Surrender of General Tomoyuki Yamashita in Kiangnan, Ifugao and Baguio City that led to the end of the Second World War in the Philippines;

WHEREAS, among these significant events are the Allied Landings in Lingayen, Pangasinan (January 9, 2005); the Liberation of the Pangatian Prisoner of War Camp in Cabanatuan, Nueva Ejica (January 30, 2005); the Allied Landings in Nasugbu, Batangas (31 January 2005); the Liberation of Manila (February 3, 2005); the Liberation of the of the Los Banos Prisoner of War Camp in Los Banos, Laguna (February 23, 2005); the Liberation of Corregidor (March 2, 2005); the Allied Landings in Zamboanga City, Zamboanga (March 10, 2005); the Liberation of Panay and Romblon (March 18, 2005); Veterans Week (April 5-9, 2005); the Battle of Balete Pass in Sta. Fe, Nueva Vizcaya (May 13, 2005); the Battle of Ipo Dam in Bulacan (May 19, 2005) the Battle of Bessang Pass in Cervantes, Ilocos Sur (June 14, 2005) and the Surrender of General Tomoyuki Yamashita in Kiangnan, Ifugao and Baguio (September 2-3, 2005);

WHEREAS, It is the moral obligation of every citizen, specially the youth, to acknowledge the heroism and sacrifices of our Filipino soldiers, guerillas and civilians who answered the call to duty and defended our country from foreign invasion during its darkest years of the Second World War;

WHEREAS, these events should be appropriately celebrated to rekindle a deep spirit of pride, unity and nationalism among Filipinos;

NOW THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. An Ad Hoc Committee is hereby created to take charge of the preparations to commemorate the Surrender of General Tomoyuki Yamashita in Kiangnan, Ifugao and Baguio on September 2 and 3, 2005 and other significant events leading to the end of the Second World War in the Philippines, to be composed of the Secretary of Foreign Affairs as Chairman; Senator Richard Gordon, from the Senate, as Co-Chairman; the Secretary of Tourism, the Secretary of National Defense, the Chiefs of the Armed Forces of the Philippines and the Philippine National Police and the Executive Director of the National Historical Institute as members. The Ad Hoc Committee may designate and/or appoint other members.

SECTION 2. The Ad Hoc Committee shall plan, coordinate and implement all programs, projects and activities relating the 60th Anniversary of the Surrender of General Tomoyuki Yamashita

in Kiangnan, Ifugao and Baguio on September 2 and 3, 2005 and other significant events leading to the end of the Second World War in the Philippines.

SECTION 3. All departments, bureaus, offices, agencies and instrumentalities of the government and all local government units and government-owned and controlled corporations are hereby enjoined to give full support, assistance and cooperation to the Ad Hoc Committee in the exercise of its responsibilities under this Order.

SECTION 4. All branches of government are enjoined to participate in the anniversary of the Surrender of General Tomoyuki Yamashita in Kiangnan, Ifugao and Baguio and other significant events leading to the end of the Second World War in the Philippines as well as to enlist the participation of private sector groups and non-governmental organizations to ensure the success of the 60th Anniversary of the end of the Second World War in the Philippines.

SECTION 5. In support of the commemoration of the 60th Anniversary of the end of the Second World War in the Philippines, an initial amount of Ten Million Pesos (P10,000,000) is hereby released from the contingency fund of the Office of the President. All other concerned agencies and local government units are, subject to budgetary laws and issuances, authorized to allocate such amounts as may be necessary to defray expenses for said event.

SECTION 6. This Administrative Order shall take effect immediately.

DONE, in the City of Manila, this 30th day of July, in the year of Our Lord, Two Thousand and Five.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2005). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 129

DIRECTING THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT TO HOLD IN ABEYANCE THE IMPLEMENTATION OF EXECUTIVE ORDER NO. 429 (S. 2005) PENDING ITS SUBMISSION OF AN IMPLEMENTATION PLAN AND ITS SUBSEQUENT APPROVAL BY THE OFFICE OF THE PRESIDENT

WHEREAS, Executive Order No. (EO) 429 dated 23 May 2005 provides for the reorganization of Administrative Region VI to include the Province of Palawan and Puerto Princesa City;

WHEREAS, the Department of the Interior and Local Government (DILG) was directed to supervise the transfer of the Province of Palawan and Puerto Princesa City from Region IV to Region VI;

WHEREAS, it is necessary to ensure that the transfer of Palawan and Puerto Princesa to Region VI is done in an orderly and well-planned manner that will actually redound to the benefit of the affected Local Government Units (LGUs) as well as their constituents;

WHEREAS, there are financial, budgetary, political, socio-economic and administrative ramifications that normally accompany structural changes like the proposed Reorganization of Region VI;

WHEREAS, these ramifications should be seriously studied and collectively addressed by all affected sectors in order to minimize the negative repercussions and optimize the positive outcomes;

WHEREAS, in order to understand all of the ratifications and appropriate responses thereto, all affected sectors should be consulted and their recommendations be considered;

WHEREAS, in order to effect a smooth transfer and realize the expressed goals of EO 429 (to guarantee effective delivery of field and public services of government agencies to accelerated social and economic development in the region), it is necessary to ensure that each agency of the government has a well-planned course of action that will not diminish but instead enhance its services delivery, so that these services will collectively redound to accelerated social and economic development of all the affected LGUs and their communities.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. The Department of Interior and Local Government (DILG) shall hold in abeyance the implementation of EO 429 (s. 2005) pending approval by the President of its Implementation Plan.

Section 2. The DILG is hereby directed to submit to the Office of the President, through the Executive Secretary, the proposed Implementation Plan of EO 429, which shall consist of:

- a) a summary of the ramifications of the proposed reorganization of Region VI, to include the financial, budgetary, political, socio-economic and administrative consequences, implications, effects and problems related thereto; and
- b) the recommended courses of action, including agency-by-agency timetables, that will effectively address all the identified issues in order to ensure the smooth transfer of Palawan and Puerto Princesa to Region VI and the realization of the goals set forth in EO 429.

Section 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 19th day of August, in the year of our Lord, Two Thousand and Five.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2005). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

MALACAÑANG RECORDS OFFICE

ADMINISTRATIVE ORDER NO. 130

Based on the records available on file and in the possession of Malacañang Records Office, Administrative Order No. 130 of Presidential Issuances of Gloria Macapagal Arroyo was certified by their office as a reserved number and that no original copy of this issuance was forwarded and released to them.

Malacañang Records Office. (2015). *[Memorandum: certification and official count of Presidential Issuances]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 131
AUTHORIZING THE GRANT OF PERFORMANCE BONUS FOR FY 2005

WHEREAS, government agencies exerted commendable efforts towards the achievement of sound fiscal performance;

WHEREAS, in recognition of the contribution of government personnel in providing quality service to the Filipino people, it is the policy of the government to improve the economic welfare of government personnel;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. All personnel of national government agencies, including government-owned or controlled corporations (GOCCs), government financial institutions (GFIs), whether permanent, temporary, casual and on a contractual basis, and who have rendered at least four (4) months of service as of November 30, 2005, are entitled to receive a Performance Bonus (PerB) in the amount not to exceed Five Thousand (P5,000.00) Pesos each.

SECTION 2. Government personnel who have rendered less than four (4) months of service as of November 30, 2005 shall also be entitled to PerB on a pro-rated basis as follows:

Length of Service	Percentage
3 months but less than 4 months	40%
2 months but less than 3 months	30%
1 month but less than 2 months	20%
Less than 1 month	10%

SECTION 3. The PerB shall be granted to all government personnel who have not received any additional benefit in FY 2005, over and above the year-end benefit authorized under R.A. No. 6686, as amended by R.A. No. 8441.

SECTION 4. Funds needed to implement this Administrative Order shall be charged against the following:

- a. For national government agencies except the Constitutional Offices/Fiscal Autonomy Group (CFAG):
 - All unreleased appropriations under the FY 2005 budget, which shall be pooled for the purpose; and
 - Available net savings reported by the departments/agencies as of November 30, 2005
- b. For agencies belonging to the CFAG, the amount shall be charged against their available savings; and
- c. For GOCCs/GFIs, the amount needed shall be charged against their respective funds.

- GOCCs/GFIs which do not have adequate or sufficient resources may partially implement the benefit herein authorized, provided that the partial implementation shall be uniform for all positions.

SECTION 5. Payment of PerB shall not be made earlier than December 16, 2005.

SECTION 6. The Department of Budget and Management shall issue the Implementing Rules and Regulations covering this Administrative Order.

SECTION 7. This Administrative Order shall take effect immediately.

DONE in the City of Manila this 15th day of December, in the year of Our Lord, Two Thousand and Five.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2005). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 132

DIRECTING THE CHAIRMAN OF THE NATIONAL HISTORICAL INSTITUTE TO LEAD THE ORGANIZATION AND IMPLEMENTATION OF PROGRAM AND ACTIVITIES FOR THE 109TH ANNIVERSARY OF THE MARTYRDOM OF DR. JOSE P. RIZAL ON DECEMBER 30, 2005

WHEREAS, December 30 of every year marks the death anniversary of Dr. Jose Rizal – patriot, martyr and national hero;

WHEREAS, Proclamation No. 126 (s. 2001) declared the month of December of every year as Rizal Month not only to give due recognition to Rizal's martyrdom but also to attain full impact to the nation;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Chairman of the National Historical Institute (NHI) is hereby directed to organize the observance of the 109th anniversary of the martyrdom of Dr. Jose Rizal for this year.

SECTION 2. The NHI, being the lead agency of this national celebration, shall convene the inter-agency task force to plan and implement effectively all programs, projects and activities related to this event.

SECTION 3. The inter-agency task force shall be composed of the NHI Chairman as Chair, with the Secretary of Education as Vice Chair. Other members of the inter-agency task force shall be designated by the NHI Chairman.

SECTION 4. All departments, bureaus, offices, national government agencies and local government units and government owned and/or controlled corporations are hereby enjoined to give full support, assistance and cooperation to the NHI Chairman in the exercise of his responsibilities under this Administrative Order.

SECTION 5. In support of the 109th Anniversary of the Martyrdom of Dr. Jose Rizal, all concerned agencies and local government units are hereby authorized to allocate such amounts as may be necessary to defray expenses for the said event, subject to budgetary laws and issuances.

SECTION 6. The Department of Budget and Management (DBM) is hereby authorized to release the amount of THREE MILLION PESOS (Php 3,000,000.00) chargeable against the President's Contingent Fund for FY 2005 under RA 9336 to carry out the provisions of this Administrative Order. Any deficiency shall be charged against the regular budget of the participating agencies.

SECTION 7. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 23rd day of December, in the year of Our Lord, Two Thousand and Five.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2005). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 133
STRENGTHENING THE POWERS OF THE SECRETARY OF FINANCE OVER THE BUREAU OF
CUSTOMS

WHEREAS, the Bureau of Customs performs a major role in the collection of revenues for the government;

WHEREAS, the Bureau of Customs is under the control and supervision of the Department of Finance pursuant to the Administrative Code of 1987;

WHEREAS, Executive Order No. 47 dated December 8, 1998, provides that the Secretary of Finance shall have the power to review, reverse, revise, modify or set aside decisions of the Bureau of Customs, subject to the Civil Service Law, regarding the Bureau's personnel appointments, promotion, assignment, transfer, detail, suspension and such other personnel action concerning them;

WHEREAS, the Tariff and Customs Code, as amended, likewise authorizes the Secretary of Finance to approve the assignment or transfer of any employee of the Bureau of Customs to any port, service, division or office within the Bureau;

WHEREAS, there is a need, in the exigency of public service, to make the Bureau of Customs a more flexible and highly responsive organization to carry out the revenue objectives of government;

WHEREAS, the President of the Philippines has the continuing power to reorganize the National Government in accordance with Presidential Decree No. 1416, as amended by Presidential Decree No. 1772 and the Administrative Code of 1987;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, do hereby order:

SECTION 1. *Strengthened Authority.* – The Secretary of Finance shall have the power to transfer, detail and assign or reassign presidential appointees of the Bureau of Customs, notwithstanding the specific designation, Group assignment, office or station stated in their respective appointments, as the best interest of the service may require, in accordance with the existing organizational set-up of the Bureau; Provided, that such transfer, detail, or assignment shall not affect the tenure of office of the concerned officials nor result in the change of status, demotion in rank and/or deduction in salary, and shall be made only in accordance with civil service laws, rules and regulations.

SECTION 2. *Repealing Clause.* – All executive orders, administrative orders, proclamations, rules and regulations or parts thereof that are inconsistent with this Order are hereby repealed or modified accordingly.

SECTION 3. *Effectivity.* – This Administrative Order shall take effect immediately.

Done in the City of Manila, this 27th day of December, in the year of Our Lord, Two Thousand and Five.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2005). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 134
DESIGNATING THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS
AS LEAD AGENCY IN THE LONG TERM IMPLEMENTATION OF THE NORTHRAIL AND
SOUTHRAIL LINKAGE PROJECT

WHEREAS, the thrust to decongest Metro Manila through railway and road projects and the establishment of new government centers is of paramount importance in the present administration;

WHEREAS, the establishment of a national railway system will be consistent with the rejuvenation and reengineering of physical frameworks;

WHEREAS, the project implementation is faced with six issues needing resolution, namely (1) the dangers posed by the existing railway system, (2) the stability of current bridges needing repairs, (3) standardization of the track gauge, (4) compatibility of the signaling and communication systems of the Northrail and the Southrail, (5) interconnection of the light railway systems at Magallanes, and (6) relocation of informal settlers.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Lead Agency. The Department of Transportation and Communication (DOTC) shall be the lead agency for the long term implementation of the Northrail-Southern Linkage Project (South Manila Commuter Line).

SEC. 2. Tasks. The DOTC is hereby tasked to study relevant issues and propose measures concerning:

1. The continued danger posed by the Philippine National Railways (PNR) train on the public and private vehicles using the 97 level/road crossings: 46 from Caloocan to Alabang and 51 from Alabang to Calamba.
2. The repair of 76 bridges, 37 of which are found from Caloocan to Alabang and 39 from Alabang to Calamba.
3. The standardization of track gauge. The retention of the narrow 'gauge' vis-à-vis its replacement with 'standard gauge'.
4. The compatibility of the signaling and communication systems of the Northrail and the Southrail.
5. Interconnection of Metro Rail Transit (MRT), Light Rail Transit (LRT) and Northrail at Sangandaan and MRT & PNR at Magallanes, and the extension of LRT, MRT and PNR to Ninoy Aquino International Airport (NAIA) and the Manila Domestic Airport.
6. The relocation of informal settlers.

SEC. 3. Agency Support. The DOTC shall coordinate the integrated assistance by seeking technical, financial and administrative support from the National Economic Development Authority (NEDA), Department of Finance (DOF), Department of Budget and Management (DBM), Department

of Public Works and Highways (DPWH), Metro Manila Development Authority (MMDA), Philippine National Railways (PNR), National Labor Relations Commission (NLRC), National Housing Authority (NHA), Representatives from the Cities of Caloocan, Manila, Pasay, Taguig, Muntinlupa, and Calamba, and a Representative from the Province of Laguna.

SEC. 4. Report. The DOTC, by itself or through the agencies mentioned in Section 3 hereof, shall submit an initial report and recommendation to the Office of the President not later than two (2) months after it has convened.

SEC. 5. Assistance. The DOTC is hereby authorized to call upon all other agencies whose assistance and support may be deemed necessary to the effective performance of all these functions, and said agencies are hereby directed to extend full cooperation thereto.

SEC. 6. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 27th day of December, in the year of Our Lord, Two Thousand and Five.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2005). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 135
AUTHORIZING THE GRANT OF COLLECTIVE NEGOTIATION AGREEMENT (CNA)
INCENTIVE TO EMPLOYEES IN GOVERNMENT AGENCIES

WHEREAS, the 1987 Constitution, in Article XIII, Section 3, guarantees the right of government employees to self-organization, collective bargaining and negotiations;

WHEREAS, the grant of Collective Negotiation Agreement (CNA) incentive, pursuant to Public Sector Labor-Management Council (PSLMC) Resolution No. 4, series of 2002, for national government agencies (NGAs), local government units (LGUs) and state universities and colleges (SUCs), and PSLMC Resolution No. 2, series of 2003 for government-owned or controlled corporations (GOCCs) and government financial institutions (GFIs), is one of the negotiable matters enumerated in Section 2, Rule XII of the Amended Rules and Regulations Implementing the Right of Government Employees to Organize under Executive Order No. 180;

WHEREAS, the grant of the CNA incentive is in recognition of the efforts of labor and management to achieve all planned targets, programs and services approved in the agency's budget at lesser cost;

WHEREAS, Administrative Order No. 103 dated August 31, 2004 directs the continued adoption of austerity measures in the government and suspends the grant of new or additional benefits to government employees except the CNA Incentive, which may be given in strict compliance with the provisions of the above-stated PSLMC Resolutions and those expressly provided by Presidential issuance;

WHEREAS, Section 5 of Presidential Decree No. 1597 provides that allowances, honoraria and other fringe benefits which may be granted to government employees shall be subject to Presidential approval;

WHEREAS, Memorandum Order No. 20 dated June 25, 2001 requires the approval of the President for any increase in salary or compensation of GOCCs and GFIs that are not in accordance with Republic Act No. 6758 (the Salary Standardization Law);

WHEREAS, there is a need to confirm the grant of the CNA incentive.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Grant of Incentive – The grant of the Collective Negotiation Agreement (CNA) incentive to national government agencies (NGAs), local government units (LGUs), state universities and colleges (SUCs), government-owned or controlled corporations (GOCCs), and government financial institutions (GFIs), if provided in their respective CNAs and supplements thereto executed between the management and employees' organization accredited by the Civil Service Commission, is hereby authorized.

Furthermore, the grant of the CNA incentive pursuant to CNAs entered into on or after the effectivity of PSLMC Resolution No. 4, series of 2002, and PSLMC Resolution No. 2, series of 2003, and in strict compliance therewith, is confirmed.

SEC. 2. Limitation. – The CNA incentive shall be granted only to rank-and-file employees. The existing CNA incentive shall be rationalized to simplify its administration and to preclude duplication with incentives granted through the Program on Awards and Incentives for Service Excellence (PRAISE).

SEC. 3. Cost-Cutting Measures and Systems Improvement. – The management and the accredited employees' organization shall identify in the CNA the cost-cutting measures and systems improvement to be jointly undertaken by them so as to achieve effective service delivery and agency targets at lesser costs.

SEC. 4. Savings as Source. – The CNA Incentive shall be sourced only from the savings generated during the life of the CNA.

SEC. 5. Release of Incentive. – The CNA Incentive may be paid every year that savings are generated during the life of the CNA.

SEC. 6. Implementation. – The Department of Budget and Management shall issue the policy and procedural guidelines to implement this Administrative Order.

SEC. 7. Effectivity. – This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 27th day of December, in the year of Our Lord, Two Thousand Five.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2005). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 136
ENCOURAGING GOVERNMENT AGENCIES, DEPARTMENTS AND INSTRUMENTALITIES
TO UTILIZE THE FACILITIES OF THE PHILIPPINE INTERNATIONAL CONVENTION
CENTER (PICC) AS VENUE FOR THEIR ORGANIZED/HOSTED MEETINGS, WORKSHOPS,
SEMINARS, CONVENTIONS AND OTHER SPECIAL EVENTS

WHEREAS, the Philippine International Convention Center (PICC) was constructed by the Central Bank of the Philippines, now Bangko Sentral ng Pilipinas, pursuant to Presidential Decree (PD) No. 520, as amended, to serve as the country's principal facility in hosting national, regional, and international meetings and conventions;

WHEREAS, the PICC possesses world-class equipment and facilities, which meets international standards, and is operated by a wealth of experienced and professional staff that can satisfy the demands of both domestic and foreign clientele;

WHEREAS, the number of government-organized and sponsored gatherings and affairs held at the PICC has been steadily declining through the years vis-à-vis the number of such gatherings and affairs held in hotels, restaurants and similar establishments;

WHEREAS, government agencies, departments and instrumentalities, including National Government Agencies, State Universities and Colleges, Government Owned and Controlled Corporations, Government Financial Institutions, and other Government Corporate Entities, should be encouraged to use the PICC as venue for their meetings, seminars, conferences, exhibitions and other similar events in order to maintain the integrity of government funds allocated for the purpose, which shall remain with the government;

WHEREAS, the holding of events at PICC by government bodies will not only increase revenue for PICC, but will keep government funds intact as funds allocated for the purpose shall remain in government coffers, since PICC is owned and controlled by the government.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Department, bureaus, offices, agencies and instrumentalities of the Philippine Government, including National Government Agencies, State Universities and Colleges, Government Owned and Controlled Corporations, Government Financial Institutions, and other Government Corporate Entities, are hereby encouraged to use the Philippine International Convention Center (PICC) facilities in their regular and periodic national, regional, and international meetings, seminars, workshops, symposiums, conferences, conventions, exhibitions and other special events that relate to their mandate for purposes of governance, public administration, skills development, capability-building, training and exchange of information and ideas.

SEC. 2. In the selection of the venue for any of the aforementioned undertakings and special events, the concerned government bodies are encouraged to make PICC as their venue of preference when booking such activities.

SEC. 3. The PICC shall develop special packages for various activities to be hosted by any government body, which should be competitive; provided that, such will not be detrimental to the continuous business operations of PICC

SEC. 4. All orders, circulars, rules and regulations and other issuances or parts thereof, which are inconsistent with the provisions of this Administrative Order are hereby amended, modified or repealed accordingly.

SEC. 5. This Administrative Order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done, in the City of Manila this 27th day of December, in the year of our Lord, Two Thousand and Five.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2005). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 137

GRANTING TO THE CHAIRMAN/COMMISSIONERS OR MEMBERS OF THE COMMISSION ON HUMAN RIGHTS (CHR) THE SAME BENEFITS AND PRIVILEGES ENJOYED BY MEMBERS OF THE CONSTITUTIONAL COMMISSIONS AND THE JUDICIARY, IN THE MATTER OF RATIONALIZED RATE OF ALLOWANCES AND LIBERALIZED COMPUTATION OF RETIREMENT BENEFITS AND ACCUMULATED LEAVE CREDITS

WHEREAS, the Commission on Human Rights is one of those Constitutional Offices/Commissions which had been created under Section 17, Article XIII of the 1987 Philippine Constitution;

WHEREAS, Administrative Order No. 444, dated 13th December 1979 extends to the Constitutional Commissions the benefits enjoyed by members of the judiciary in the matter of the rationalized rate of allowances and liberalized computation of retirement benefits and the accumulated leave credits;

WHEREAS, pursuant to Article XIII of the Constitution, the Commission on Human Rights was created under Executive Order No. 163 dated May 5, 1987;

WHEREAS, Section 2 of E.O No. 163, supra, provides that “*the Chairman and members of the Commission on Human Rights shall receive the same salary as the Chairman and Members, respectively of the Constitutional Commissions, which may not be decreased during their term of office*”;

WHEREAS, the phrase “*the Commission on Human Rights shall receive the same salary x x x*” in Section 2 of E.O. No. 163, supra, without mentioning “benefits/privileges”, has generated negative interpretations from the Department of Budget and Management (DBM) that CHR is not entitled to the same retirement benefits as the Chairman and members of the Constitutional Commissions;

WHEREAS, under Section 69 of Republic Act (RA) No. 9206 (The General Appropriations Act) (GAA), s. of 2003, the Commission on Human Rights as a constitutional body is grouped without distinction, together with the Civil Service Commission, Commission on Audit, Commission on Elections under agencies vested with fiscal autonomy;

WHEREAS, it is likewise established by jurisprudence that retirement laws are to be liberally construed in favor of the retiree to achieve the humanitarian purposes of the law in order that efficiency, security and well-being of government employees may be enhanced. (Profeta vs. Drilon, 216 SCRA 777).

WHEREAS, to guide future officials in order to avoid conflict and discrimination in administrative interpretation on the grant of retirement benefits/privileges to the Chairman and members of the Commission on Human Rights, it is just and appropriate that the Chairman/Commissioners as well as members of the Commission on Human Rights should also enjoy the same retirement benefits and privileges granted to the members of the judiciary and other constitutional commissions.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order and direct:

1. That the Chairman/Commissioners/members of the Commission on Human Rights (CHR) shall receive the same salary, benefits and privileges granted and enjoyed by the members

of the Constitutional Commissions and the judiciary, in the matter of rationalized rate of allowances and liberalized computation of retirement benefits and accumulated leave credits.”

2. That this Administrative Order shall take effect immediately.

Done in the City of Manila, this 27th day of December, in the year of our Lord, Two Thousand and Five.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2005). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 138
RATIONALIZING THE OFFICE OF THE PRESIDENTIAL CHIEF OF STAFF AND STAFF
SUPPORT TO THE PRESIDENT

WHEREAS, Administrative Order No. 109 dated 16 February 2000 created the Office of the Chief of Staff;

WHEREAS, Administrative Order No. 62 dated 12 February 2004 created the Office of the Presidential Chief of Staff;

WHEREAS, Section 31, Chapter 10, Title II, Book III of the Administrative Code of 1987 gives the President the continuing authority to reorganize the administrative structure of the Office of the President.

NOW, THEREFORE I, GLORIA M. ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *Roles and Functions.* The Presidential Chief of Staff shall have the rank and emoluments of a Cabinet Secretary and shall have the following roles and functions:

1. Care of the President:

- 1.1. Together with the Cabinet Officer for Presidential Engagements (COPE), control the schedule of the President:
 - a. Together with the COPE, principal manager of the President's trips/activities/engagements.
 - b. Ensure focus on agreed theme of Presidential activities.
- 1.2. Together with the COPE, control access to the President.

2. Policy Adviser:

- 2.1. Provide good, wise and honest counsel on important matters of policy and politics, including right timing for decisions.
- 2.2. Review papers coming to the President.
- 2.3. Act as Vice Chairman of the Strategic Management Team, which shall be chaired by the Executive Secretary.

3. Presidential Advocate:

- 3.1. Advocate strategic policy and program initiatives of the President.
- 3.2. Build and maintain "bridges" with critical stakeholders (Cabinet, Congress, Judiciary, Private Sector, lobbyists, etc.)
- 3.3. Guard the President's interests. Protect the President from forces that could destroy the Administration.

4. Other functions that may be directed by the President.

SECTION 2. *Relationship with the Executive Secretary.* The Executive Secretary shall continue to perform the functions traditionally associated with his Office, including but not limited to the following:

1. Malacanan Palace Manager:

- 1.1. Overseer of everything.
- 1.2. Oversee the personal staff of the President, including the Internal Household Affairs Office through the Deputy Executive Secretary for Finance and Administration, and the functioning of the Malacanan Palace processes. Coordinate everything, provided that the Chief of Staff shall oversee the Philippine Charity Sweepstakes Office, the Appointments Office and the Presidential Management Staff (PMS), and shall supervise the Protocol Office, the Social Secretary's Office, the Correspondence Office, and the Speechwriting Group; provided further that the supervision of the Malacanan Museum shall be transferred from the PMS to the Executive Secretary.
- 1.3. Convene regularly Malacanan Palace staff meetings.

2. Presidential Adviser:

- 2.1. Provide good, wise and honest counsel on important matters of policy and politics, including right timing for decisions.
- 2.2. Review papers coming out of the President.
- 2.3. Convene regularly Strategic Management Team (SMT) meetings.

3. Presidential Communicator:

- 3.1. Communicate to all stakeholders and public Presidential decisions and initiatives (ensure that information is communicated in the right way, at the right time and to the right people).
- 3.2. Build and maintain "bridges" with critical stakeholders (Cabinet, Congress, Judiciary, Private Sector, lobbyists, etc.).
- 3.3. Guard the President's interests. Protect the President from forces that could destroy the Administration.
- 3.4. Create the desirable "public face/image" of the President.

4. Other functions that may be directed by the President.

SECTION 3. *Staff Complement.* The Presidential Chief of Staff shall be assisted by three (3) Undersecretaries. The Chief of Staff shall recommend and appropriate staffing pattern for the Office of the Presidential Chief of Staff, for approval of the Executive Secretary. Secondment and detail of personnel from other offices in the Office of the President and from the Departments and other government agencies, including government-owned and controlled corporations, may be undertaken whenever necessary.

SECTION 4. *Funding.* Funds for the personnel and operations of the Office of the Presidential Chief of Staff and for the operation of the SMT created hereunder shall be sourced from the budget of the Office of the President and from the unprogrammed funds of the National Government.

SECTION 5. *SMT.* There is hereby created a Strategic Management Team (SMT) in the Office of the President. It shall be composed of the following:

Chairman	–	Executive Secretary
Vice-Chairman	–	Presidential Chief of Staff
Members	–	Press Secretary
		Political Advisor
		Director-General, National Security Council
		Secretary, DILG

The Chairman shall designate other officials/members, as deemed appropriate. Concerned government officials and private sector leaders shall be invited to participate, whenever necessary.

SECTION 6. *Functions of the SMT.* The Strategic Management Team shall have the following functions:

1. Monitor developments in all sectors and recommend to the President strategic directions, plans and programs.
2. Provide guidance in the formulation and implementation of communications programs and campaigns.
3. Perform other functions that may be directed by the President.

SECTION 7. *PMS.* The PMS shall provide administrative and technical staff support to the SMT.

All offices in the Office of the President and agencies of government are hereby directed to provide support and assistance to the SMT.

SECTION 8. All orders, rules, regulations and issuances, or parts thereof, which are inconsistent with this Administrative Order are hereby repealed or modified accordingly.

SECTION 9. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 13th of January, 2006.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 139

DESIGNATING THE DEPARTMENT OF FOREIGN AFFAIRS AS THE LEAD AGENCY
TO ORGANIZE AND CARRY OUT THE SCHEDULED ACTIVITIES RELATIVE TO THE
12TH SUMMIT OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN) AND ITS
RELATED MEETINGS

WHEREAS, Philippine foreign policy has become increasingly linked to ASEAN's development and towards advancing ASEAN's full integration and strengthening the global competitiveness of ASEAN Member Countries;

WHEREAS, to carry out the ASEAN Leaders' directive towards realizing the ASEAN vision of a single ASEAN community by 2020, the 38th ASEAN Ministerial Meeting in Vientiane, Laos on 26 July 2005 elected Malaysia and the Philippines as Chairman and Vice-Chairman, respectively, of the ASEAN Standing Committee until July 2005;

WHEREAS, on the basis of ASEAN practice on rotation of chairmanship and the relinquishment of Myanmar of its turn to chair the ASC in July 2006, the Philippines will be the Chairman of the ASEAN Standing Committee starting July 2006 until July 2007 and will host the 12th ASEAN Summit in December 2006;

WHEREAS, there is a need to constitute a national committee to organize and carry out efficiently and effectively all the scheduled activities relative to the ASEAN Standing Committee, ministerial meetings, post ministerial conferences and the hosting of the 12th ASEAN Summit and other related summits;

NOW THEREFORE, I, GLORIA MACAPAGAL-ARROYO, by virtue of the powers vested in me by law, do hereby order that:

SECTION 1. Lead Agency – The Department of Foreign Affairs (DFA) shall be the lead agency to organize the hosting of the 12th ASEAN Summit and related meetings.

SECTION 2. Agency Support – The DFA shall coordinate the integrated assistance by seeking technical, financial and administrative support from the Office of the Executive Secretary (OES), Department of Tourism (DOT), Department of Finance (DOF), Department of Trade and Industry (DTI), Department of Public Works and Highways (DPWH), Department of National Defense (DND), Department of Interior and Local Government (DILG), Department of Transportation and Communication (DOTC), Department of Education (DEPED), Department of Budget and Management (DBM), Office of the Press Secretary (OPS), Office of the Presidential Protocol (OPP), Office of the Group Commander, Presidential Security Group, the Heads of the Local Government Units (LGUs) where ASEAN Meetings will be held, and from the private sector.

SECTION 3. Tasks and Functions – The DFA shall perform the following tasks and functions:

- 3.1 Formulate and recommend a work program and budget plan for the hosting of the 12th ASEAN Summit and its related meetings to the President within ninety (90) days from the signing of this Administrative Order;

- 3.2 Implement the work program once approved by the President and supervise and monitor all activities in relation thereto;
- 3.3 Call upon any official, agent, employee, agency or instrumentality of the national or local government for any assistance that may be necessary to ensure the success of the Philippine hosting of the 12th ASEAN Summit and its related meetings;
- 3.4 Engage the support, assistance and cooperation of the private/business sector and non-governmental organizations in the preparations and conduct of the meetings;
- 3.5 Create committees, task forces and other appropriate bodies to effectively carry out its objectives;
- 3.6 Subject to existing laws, rules and regulation, enter into agreements and contracts necessary for the attainment of the objectives of this Administrative Order, including contracts for services.

SECTION 4. Coordination with PCAAAC – The DFA shall coordinate with the Philippine Council on ASEAN, APEC, ASEM Cooperation (PCAAAC), which shall continue to be responsible for formulating the Philippine position in substantive issues related to ASEAN.

SECTION 5. Funding – The initial funding requirement for the preparation and hosting of 12th ASEAN Summit in the amount of Twenty Million Pesos (P20 M) shall be charged against the President's Contingent Fund. Additional amounts as may be necessary shall be sourced from savings of the DFA or from any available funds as may be determined by the Secretary of Budget and Management.

SECTION 6. Administrative Guidelines/Order – The DFA may adopt such administrative guidelines or regulations as may be necessary to achieve the objectives of this Administrative Order.

SECTION 9. Effectivity – This Administrative Order shall take effect immediately.

Done in the City of Manila, Philippines, this 27th day of January, in the year of our Lord, Two Thousand and Six.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 140
DIRECTING THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS TO
EXPEDITE THE INTERMODAL TRANSPORT DEVELOPMENT PROJECT

WHEREAS, the Government of the Philippines is implementing the Sustainable Logistics Development Program (SLDP) Road and Roll-on-Roll-Off Ferry Network and Coastal Service developed by the Development Bank of the Philippines in pursuit of one of the 10 points of the legacy agenda of the Arroyo administration, namely, to link the entire country through a network of transport and digital infrastructure;

WHEREAS, the Government of the Philippines prioritizes tourism investments in the Visayas, Palawan, Bicol and the small islands of Northern Mindanao;

WHEREAS, the Government of the Philippines, with the technical assistance from the Asian Development Bank (ADB), is currently implementing the Intermodal Transport Development Project to improve the accessibility of Southern Philippines and contribute to the reduction of poverty in the areas of Mindanao and Palawan;

WHEREAS, the objectives of this study, among others, should be as follows:

- a. Prepare an integrated transport development plan for Mindanao and Palawan that will identify priority projects that will improve efficiency of intermodal (air, sea and land) transportation system in synchrony with the master plan for the SLDP and the priority tourism investments;
- b. Formulate recommendations on priority transport infrastructure projects for funding by ADB;

WHEREAS, the Department of Transportation and Communications (DOTC) is tasked to implement said project in two phases, to wit:

- a. Phase I involves the preparation of an intermodal transport development plan for Southern Philippines, identification of priority areas of intervention for the ADB, and screen potential subprojects that may be undertaken for the development of intermodal transport in Southern Philippines.
- b. Phase II involves the consolidation of subprojects identified in Phase I for the development of an intermodal transport development project for ADB financing.

WHEREAS, there is a need for the DOTC to expedite this project and closely coordinate with all relevant government agencies to ensure its effective implementation;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. The DOTC is hereby directed to expedite the ADB Intermodal Transport Development Project for Southern Philippines and organize a Project Management Office (PMO) for the ADB Intermodal Transport Development Project for the purpose.

Section 2. The PMO shall be headed by a senior official of the DOTC, with a deputy who is a senior official of the Mindanao Economic Development Council (MEDCO).

Section 3. The PMO shall prepare an integrated development plan for Mindanao and Palawan and formulate recommendations on priority transport infrastructure projects for funding by the ADB.

Section 4. The Secretary of DOTC and the Chairman of MEDCO are hereby authorized to call upon all other agencies whose assistance and support may be deemed necessary to the effective performance of its functions and such agencies as are hereby directed to extend full cooperation thereto.

Section 5. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 13th day of February, in the year of our Lord, Two Thousand and Six.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 141

DIRECTING THE DEVELOPMENT BUDGET COORDINATION COMMITTEE (DBCC) TO ESTABLISH A TASK FORCE THAT WILL MONITOR THE UTILIZATION OF PROCEEDS FROM THE IMPLEMENTATION OF THE EXPANDED VALUE ADDED TAX (EVAT) AND TO ENSURE THE PERIODIC SUBMISSION OF REPORTS RELATED THERETO

WHEREAS, the proceeds from EVAT, concededly a major source of much-needed government revenues, shall be strictly allocated and utilized for Fiscal Year 2006 for deficit reduction purposes and implementation of priority social services and infrastructure projects;

WHEREAS, the Government is committed to ensure transparent and efficient utilization of EVAT proceeds to enhance public confidence in the implementation of tax measures;

WHEREAS, the Department of Budget and Management has identified proposed projects to be financed by the EVAT;

WHEREAS, to ensure transparency and accountability, the following reporting arrangement is hereby ordered to be implemented.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, do hereby order:

Section 1. *Creation of Task Force.* – The DBCC is hereby directed to create an EVAT Monitoring Task Force to be composed of representatives from the Department of Finance, the Department of Budget and Management, the National Economic and Development Authority, the Department of Education, the Department of Health and the Department of Public Works and Highways.

Section 2. *Functions of the Task Force.* – The Task Force shall perform the following functions:

1. Prepare reporting guidelines to ensure periodic reporting on EVAT proceeds and its utilization;
2. Monitor and coordinate the implementation of EVAT-funded projects to secure compliance with reporting requirements and to see to it that subsequent cash releases shall be made only upon proper accounting of EVAT proceeds; and
3. Perform such functions as may be necessary to implement this Order.

Section 3. *Submission of Reports.* – The Department of Budget and Management shall submit semestral reports to the President on the status of disbursements and utilization of EVAT proceeds.

Section 4. *Government Support.* – All agencies, offices and instrumentalities of the government shall provide the necessary information and technical assistance in the implementation of this Order.

Section 5. *Repealing Clause.* – All executive orders, administrative orders, proclamations and other executive issuances, as well as rules and regulations or parts thereof, that are inconsistent with this Order are hereby repealed or modified accordingly.

Section 6. *Effectivity.* – This order shall take effect immediately.

Done in the City of Manila, this 14th day of February, in the year of our Lord, Two Thousand and Six.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

MALACAÑANG RECORDS OFFICE

ADMINISTRATIVE ORDER NO. 141-A

Based on the records available on file and in the possession of Malacañang Records Office, Administrative Order No. 141-A of Presidential Issuances of Gloria Macapagal-Arroyo was certified by their office as a reserved number and that no original copy of this issuance was forwarded and released to them.

Malacañang Records Office. (2016). *[Memorandum: certification and official count of Presidential Issuances]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 142
MANDATING THE AMBASSADOR-AT-LARGE FOR COUNTERTERRORISM TO ORGANIZE A
COUNTER-TERRORISM EXPERTS' CONFERENCE

WHEREAS, the Philippines is the Chair of the Counterterrorism Task Force of the Asia Pacific Economic Cooperation;

WHEREAS, the Philippines announced at the meeting of the leaders of the Association of Southeast Asian Nations with the President of the United States at the Asia Pacific Economic Cooperation Leaders Meeting in Busan, Korea that the Philippines would host a Counter Terrorism Experts' Conference (CTEC) in 2006;

NOW, THEREFORE, I GLORIA MACAPAGAL-ARROYO, by virtue of the powers vested in me by law, do hereby order that:

SECTION 1. Conference Organizer. – The Ambassador-at-Large for Counterterrorism shall organize the 2006 Counter-Terrorism Experts' Conference.

SECTION 2. Oversight Officials. – In carrying out his task, The Ambassador-at-Large for Counterterrorism shall be guided by the Cabinet members and officials constituting the National Security Council Cabinet Group, which is responsible for formulating the Philippine policy in substantive issues related to Counter-Terrorism. He may also receive guidance from private individuals and organizations.

SECTION 3. Assisting Officials. – In carrying out his task, The Ambassador-at-Large for Counterterrorism shall be assisted by representatives of the members of the National Security Council Cabinet Group and the Secretary of Tourism.

SECTION 4. Authority and Functions. – The Ambassador-at-Large for Counterterrorism shall have the following authority and functions relative to the CTEC:

- 4.1. Implement the work program once approved by the National Security Council Cabinet Group and supervise and monitor all activities in relation thereto;
- 4.2. Call upon any office, agent, employee, agency or instrumentality of the national or local government for any assistance that may be necessary to carry out the purpose of this Administrative Order;
- 4.3. Recognize the support and cooperation of the business sector and non-governmental organizations in hosting the meetings participated by the private sector;
- 4.4. Conclude agreements and contracts necessary for the attainment of the objectives of this Administrative Order, including contracts for service, in accordance with bidding rules;
- 4.5. Create a Secretariat that shall be responsible for the substantive arrangements of the CTEC, including proper coordination with all parties and committees and completion of the conference deliverables as embodied in the CTEC concept paper.

SECTION 5. Office. – The Secretariat shall be located at the premises of National Security Council.

SECTION 6. Funding. – Funding of no more than Php 5,000,000 for the operating expenses of the Ambassador-at-Large for Counterterrorism shall be drawn from funds as identified by the Secretary of Budget and Management, subject to the usual accounting and auditing requirements.

SECTION 7. Administrative Guidelines/Orders. – Upon recommendation of the Ambassador-at-Large for Counterterrorism, the Executive Secretary shall adopt such administrative guidelines or orders as may be necessary to achieve the objectives of this Administrative Order.

SECTION 9. Effectivity. – This Administrative Order shall take effect immediately.

DONE, in the City of Manila, Philippines, this 6th day of February, in the year of Our Lord, Two Thousand and Six.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 143

DIRECTING THE PHILIPPINE NATIONAL POLICE TO TEMPORARILY SUSPEND PERMITS TO CARRY FIREARMS AND POSSESS EXPLOSIVES, TEMPORARILY SUSPEND THE ISSUANCE OF SUCH PERMITS, AND TEMPORARILY SUSPEND THE ISSUANCE OF NEW FIREARM LICENSES UNTIL THE DECLARATION OF A STATE OF NATIONAL EMERGENCY IS LIFTED

WHEREAS, Proclamation No. 1017 dated 24 February 2006 was issued declaring a State of National Emergency in order to maintain law and order, prevent or suppress all forms of lawless violence as well as any act of insurrection or rebellion and to enforce obedience to all the laws and to all decrees, orders and regulations;

WHEREAS, to implement Proclamation No. 1017 (s. 2006), General Order No. 5 dated 24 February 2006 was issued calling upon the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) to prevent and suppress acts of terrorism and lawless violence in the country and to immediately carry out necessary and appropriate actions and measures to prevent and suppress the same;

WHEREAS, to suppress acts of terrorism and lawless violence as well as to ensure the safety of our people during the existence of a State of National Emergency, it is necessary to temporarily suspend permits to carry firearms and possess explosives, temporarily suspend the issuance of such permits, and temporarily suspend the issuance of new firearm licenses until the declaration of a State of National Emergency is lifted;

WHEREAS, under Section 24 (f) of Republic Act No. 6975, the PNP supervises the issuance of licenses for the possession of firearms and explosives in accordance with law;

WHEREAS, pursuant to Section 69, Title VIII, Book IV of the Administrative Code of 1987 in relation to Section 14 of Republic Act No. 6975, the President exercises control and supervision over the PNP through the National Police Commission;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, by virtue of the powers vested in me under the Constitution and the laws, and pursuant to Proclamation No. 1017 (s. 2006), hereby order:

Section 1. The Philippine National Police (PNP) shall temporarily suspend permits to carry firearms and possess explosives, temporarily suspend the issuance of such permits, and temporarily suspend the issuance of new firearm licenses until the declaration of a State of National Emergency is lifted.

Section 2. Members of the PNP, the Armed Forces of the Philippines, the National Bureau of Investigation and the Philippine Coast Guard are exempted from the coverage of this Administrative Order.

Section 3. The Chief of the PNP is hereby directed to immediately issue the necessary rules and guidelines to effectively implement this Administrative Order.

Section 4. This Administrative Order shall take effect immediately.

City of Manila, February 24, 2006.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 144
GRANTING ADDITIONAL COMPENSATION IN THE AMOUNT OF ONE THOUSAND PESOS
(P1,000.00) PER MONTH TO ALL EMPLOYEES OF THE NATIONAL GOVERNMENT

WHEREAS, the total monthly compensation of national government employees has not been increased since July 2001, or almost five years ago, notwithstanding periodic wage adjustments granted to the private sector and increases in prices of basic commodities;

WHEREAS, the grant of One Thousand Pesos (P1,000.00) across the board additional allowance under House Bill No. 5013, which has been approved on 3rd reading in the House of Representatives, is meant to provide them with sufficient means to make ends meet;

WHEREAS, there is an urgent need for employees of the national government to receive said increase in compensation while the bill is going through the legislative mill;

WHEREAS, pursuant to Section 21 of Republic Act No. 6758 and Section 5 of Presidential Decree 1597, the President may approve grant of additional allowances and other fringe benefits to employees of the national government;

NOW, THEREFORE, I GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. *Increase in Additional Compensation.* – Until such time that a bill authorizing adjustment in compensation has been signed into law, the amount of One Thousand Pesos (P1,000.00) per month increase in additional compensation (ADCOM) shall be granted to national government employees in agencies covered by Republic Act No. 6758, as amended, and to military and uniformed personnel.

Section 2. *Fund Source.* – Funds necessary to support the increase in ADCOM of national government employees including military and uniformed personnel shall be taken from the appropriations provided under the Miscellaneous Personnel Benefits Fund, as augmented from any available savings, under Republic Act No. 9336, or the FY 2005 General Appropriations Act, as re-enacted.

Section 3. *Authority to Adjust Compensation/Allowances of Employees in Government Owned and/or Controlled Corporations (GOCCs) and Local Government Units (LGUs).* – Subject to availability of funds, GOCCs including government financial institutions covered by Republic Act No. 6758, as amended, and LGUs are likewise authorized to grant an increase of One Thousand Pesos (P1,000.00) per month in the ADCOM of their employees chargeable against their respective funds.

Section 4. *Implementing Rules and Regulations.* – The Department of Budget and Management shall issue the necessary rules and regulations to implement the provisions of this Administrative Order.

Section 5. *Effectivity.* – The increase in ADCOM, as well as the authority given to GOCCs and LGUs to provide said increase, shall take effect 1 January 2006 and shall cease upon approval of any legislative measure authorizing adjustment in compensation of government employees.

Manila, Philippines, 28 February 2006.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 145

CREATING A FACT-FINDING COMMISSION TO INVESTIGATE THE EFFECTS OF THE MINING OPERATIONS OF LAFAYETTE PHILIPPINES, INC. ON PEOPLE'S HEALTH AND ENVIRONMENTAL SAFETY IN THE MUNICIPALITIES OF RAPU-RAPU, IN THE PROVINCE OF ALBAY AND PRIETO DIAZ, GUBAT, BARCELONA, BULUSAN, AND BACON, IN THE PROVINCE OF SORSOGON

WHEREAS, there have been reports that the mining operations of Lafayette Philippines, Inc. (LPI) on Rapu-Rapu Island in Albay Province allegedly threatens people's health and environmental safety in and around the area of Rapu-Rapu Island;

WHEREAS, there is need for an independent Fact-Finding Commission to be constituted in order to get the facts and circumstances surrounding the alleged health and environmental hazards brought about by the operations of Lafayette Philippines, and to make the appropriate recommendations;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. There is hereby created a Fact-Finding Commission to investigate the effects of the mining operations of Lafayette Philippines, Inc. (LPI) on the inhabitants and environment of Rapu-Rapu Island and nearby municipalities. Specifically, the Commission shall investigate reported incidents of fish kill and other damage to people's health and marine and agricultural areas in Rapu-Rapu Island, Albay, and Prieto Diaz, Gubat, Barcelona, Bulusan and Bacon, Sorsogon.

SECTION 2. The Commission shall be composed of the following:

Chairman: Bishop Arturo M. Bastes, SVD, DD

Members: Dr. Rodolfo A. Tamayo, Jr.

Atty. Nena Araya Santos

Atty. Ronaldo R. Gutierrez

Mr. Greogio Tabuena

Dr. Aloysius Baes

Mr. Charles Avila

Bishop Jose Rojas, Jr.

Mr. Jojit G. Cañada

Mrs. Marilou D. Barcelá

SECTION 3. The Commission is hereby granted the power of an investigating body under Section 37, Chapter 9, Book I of the Administrative Code of 1987 including the power to summon witnesses, administer oaths, take testimony or evidence relevant to the investigation, and to issue compulsory processes to produce documents, books, records and such other matters, in the performance of its function.

Any person who, without lawful excuse, fails to appear upon summons issued under the authority of the preceding paragraph or who, appearing before the Commission, refuses to take oath, give testimony or produce documents for inspection, when thereunto lawfully required, shall be subject to discipline as in the case of contempt of court upon application of the Commission before the proper court, in the manner provided for by law.

SECTION 4. The Commission shall form a Secretariat composed of technical and administrative personnel which shall provide staff support to the Commission. It is hereby authorized to engage the services of resources persons, professionals, such as but not limited to technical personnel from the College of Public Health and Marine Science Institute of the University of the Philippines, to assist it in carrying out its functions.

SECTION 5. The departments, bureaus, offices, agencies or instrumentalities including government owned or controlled corporations are hereby directed to extend such assistance and cooperation as the Commission may need in the discharge of its functions.

SECTION 6. The Office of the President shall provide the necessary funds for the operations of the Commission.

SECTION 7. The Commission shall evaluate all the facts and circumstances surrounding the alleged threat to people's health and environmental safety, and submit its findings and recommendations within one (1) month to the Office of the President, through the Department of Environment and Natural Resources.

SECTION 8. The Commission shall formulate its rules and regulations to guide it in the conduct of its fact-finding investigation.

SECTION 9. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 10th day of March, in the year of Our Lord, Two Thousand and Six.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

MALACAÑANG RECORDS OFFICE

ADMINISTRATIVE ORDER NO. 146

Based on the records available on file and in the possession of Malacañang Records Office, Administrative Order No. 146 of Presidential Issuances of Gloria Macapagal Arroyo was certified by their office as a reserved number and that no original copy of this issuance was forwarded and released to them.

Malacañang Records Office. (2015). *[Memorandum: certification and official count of Presidential Issuances]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 147

DESIGNATING THE DEPARTMENT OF TRADE AND INDUSTRY AS LEAD AGENCY
TO ORGANIZE AND CARRY OUT THE SCHEDULED ACTIVITIES RELATIVE TO THE
12TH ASEAN ECONOMIC MINISTERS RETREAT OF THE ASSOCIATION OF THE
SOUTHEAST ASIAN NATIONS (ASEAN) AND ITS RELATED MEETINGS

WHEREAS, the Chairman for the 12th Association of the Southeast Asian Nations (ASEAN) Economic Ministers (AEM) Retreat, to be held in May 2006, is the Philippines, pursuant to the directive of realizing the ASEAN vision of a single ASEAN community by 2020;

WHEREAS, the Department of Trade and Industry (DTI) identified Boracay Island, Aklan as venue for the said Meeting, aiming to promote the island as a major tourist destination;

WHEREAS, to effectively carry out and implement obligations in hosting the 12th AEM Retreat this April, there is a need to designate DTI as lead agency to coordinate with other line agencies of the national and local government units.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Lead Agency – The Department of Trade and Industry (DTI) shall be the lead agency to organize the hosting of the 12th Association of Southeast Asian Nations (ASEAN) Economic Ministers' Retreat and other related meetings.

SECTION 2. Agency Support – The DTI shall coordinate with various agencies to obtain technical, financial and administrative support from the Department of Foreign Affairs (DFA), Department of Tourism (DOT), Department of Public Works and Highways (DPWH), Philippine National Police (PNP), Department of Interior and Local Government (DILG), Bureau of Customs, Bureau of Immigration (BI), Heads of the Regional and Provincial Local Government Units (LGUs), and from the private sector where ASEAN Meetings will be held.

SECTION 3. Tasks and Functions – The DTI shall perform the following tasks and functions:

- 3.1 Formulate and recommend a work program and budget plan for the posting of the 12th ASEAN Economic Ministers Retreat and its related meetings;
- 3.2 Coordinate the logistics and substantive arrangements for the AEM Retreat and related meetings;
- 3.3 Organize regular meetings of created task Forces/Committees to provide updates on activities undertaken;
- 3.4 Call upon any official, agent, employee, agency or instrumentality of the national or local government for any assistance that may be necessary to ensure the success of the Philippine hosting; and,
- 3.5 Subject to existing laws, rules and regulation, enter into agreements and contracts necessary for the attainment of the objectives of this Administrative Order, including contracts for services.

SECTION 4. – All departments, bureaus, offices and local government units are hereby enjoined to give full support, assistance and cooperation to the DTI Secretary in the exercise of his responsibilities enumerated in this Administrative Order.

SECTION 5. Funding – The initial funding requirement for the preparation and hosting of the *12th ASEAN Economic Ministers' Retreat* shall be charged against the regular budget of the DTI and the other economic departments.

SECTION 6. Effectivity – This Administrative Order shall take effect immediately.

DONE in the City of Manila, Philippines, this 04th May day of in the year of Our Lord, Two Thousand and Six.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 148
RECONSTITUTING THE MEMBERSHIP OF THE NEDA BOARD

WHEREAS, Section 4 of Executive Order No. 230, dated 22 July 1987, reorganizing the National Economic and Development Authority (NEDA), authorizes the President of the Philippines to revise the members of the NEDA Board whenever the same is deemed necessary for the effective performance of the Board's functions, through an Administrative or a Memorandum Order;

WHEREAS, Republic Act 7653 or the New Central Bank Act, provides that the Deputy Governor designated by the Governor of the Bangko Sentral shall be an ex-officio member of the NEDA Board;

WHEREAS, Executive Order No. 207, s. of 2003, provides for the representation of the Governor of the Autonomous Region in Muslim Mindanao in the NEDA Boards;

WHEREAS, Administrative Order No. 104, s. of 2004, provides for the creation of three Cabinet Groups (NEDA Cabinet Group, National Security Council Cabinet Group and National Anti-Poverty Commission Cabinet Group) for the effective and efficient discussion and implementation of the President's 10-Point Agenda;

WHEREAS, there is a need to conserve the executive time of Cabinet Secretaries by not requiring them to attend more meetings than necessary;

NOW, THEREFORE, I, GLORIA M. ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1: Reconstitution of the NEDA Board. The NEDA Board membership is hereby reconstituted to include members of the NEDA Cabinet Group, as well as representatives from the local government units as follows:

The President as Chairperson
Director-General, National Economic and Development Authority as Vice-Chairperson
Secretary, Department of Agriculture
Secretary, Department of Budget and Management
Secretary, Department of Energy
Secretary, Department of Environment and Natural Resources
Secretary, Department of Finance
Secretary, Department of Public Works and Highways
Secretary, Department of Science and Technology
Secretary, Department of Tourism
Secretary, Department of Trade and Industry
Secretary, Department of Transportation and Communications
Chairman, Housing and Urban Development Coordinating Council
Chairman, Metro Manila Development Authority
Chairman, Commission of Information and Communication Technology
Chairman, Subic-Clark Area Development Council

Presidential Adviser for New Government Centers
Presidential Adviser for Job Creation
Deputy Governor, Bangko Sentral ng Pilipinas
Governor, Autonomous Region for Muslim Mindanao
President, Union of Local Authorities of the Philippines

SECTION 2: Executive Secretary. The Executive Secretary shall be a member of all Cabinet Groups.

SECTION 3: Private Sector Representatives. The Director-General of the National Economic and Development Authority is hereby authorized to invite private sector representatives to attend the NEDA Board meetings depending on the agenda.

SECTION 4: NEDA Cabinet Group and Economic Managers. The Cabinet-level officials enumerated above as members of the NEDA Board shall constitute the NEDA Cabinet Group. They shall also be recognized collectively as the Economic Managers.

SECTION 5: Repealing Clause. All laws, ordinances, rules, regulations, other issuances or parts thereof, which are inconsistent with this Administrative Order, are hereby repealed or modified accordingly.

SECTION 6: Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila this 22nd of April, in the year of our Lord, Two Thousand and Six.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 149

MANDATING THE DEPARTMENT OF EDUCATION THROUGH THE NATIONAL
COMMISSION ON CULTURE AND THE ARTS TO SUPERVISE AND OVERSEE THE
31ST UNESCO ITI WORLD CONGRESS

WHEREAS, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Theater Institute (ITI), through their respective resolutions, declared the Philippines as the venue for the UNESCO ITI World Congress to be held on May 20-29, 2006;

WHEREAS, the 31st UNESCO ITI Congress has for its overall theme: “Ancestral Roots to New Routes of Artistic Expression: Mobilizing Cultural Diversity to Achieve the UN Millennium Development Goals” (UN MDGs);

WHEREAS, it is imperative that one department shall have responsibility for the success of the Congress, with the full support of certain other departments and agencies;

NOW, THEREFORE, I, GLORIA M. ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Relationship Between the Department of Education and the National Commission for Culture and the Arts. – The Department of Education (DepEd) shall oversee the Commission for Culture and the Arts (NCCA) in behalf of the President of the Philippines.

Section 2. Lead Agency. – The DepEd, through the NCCA, is hereby mandated to be the Lead Agency to supervise and oversee the 31st UNESCO ITI World Congress with the active support of the Department of Foreign Affairs, the Department of Tourism and other such departments and agencies as appropriate.

Section 3. Functions of the Lead Agency. – The Lead Agency shall prepare the appropriate national program for the 31st UNESCO ITI World Congress that shall be implemented throughout the Philippines. The Lead Agency shall also undertake the necessary preparations for the participation of concerned agencies in national and international activities concerning this event and the development of educational and communications materials and documentation with regard to the 31st UNESCO ITI World Congress and sustained cultural, educational and information programs for the UN MDGs.

The Lead Agency may secure the cooperation of all government and private instrumentalities to ensure the success of its programs and shall be in liaison with the appropriate legislative committees. It shall organize a Secretariat headed by the NCCA, which shall implement the programs and projects of the Lead Agency and which will include staff members from the organizing hosts of the 31st UNESCO ITI World Congress and other stakeholder organizations. The Lead Agency shall be in liaison with the family of UN agencies.

Section 4. Funding. – The funds necessary to carry out the provisions of this Administrative Order shall be taken from the National Commission for Culture and the Arts.

Section 5. Effectivity. – This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 29th day of April, in the year of Our Lord, Two Thousand and Six.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 150
REORGANIZING THE CABINET GROUPS

WHEREAS, Administrative Order No. 104 dated 7 September 2004 provided for Cabinet groups to enable the Government to address major concerns in the implementation of the Administration's 10-point agenda;

WHEREAS, Section 31, Chapter 10, Title III, Book III of Executive Order No. 292, series of 1987, otherwise known as the "Administrative Code of 1987" provides that the President shall have continuing authority to reorganize the administrative structure of the Office of the President:

NOW, THEREFORE, I GLORIA M. ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order:

SECTION 1. National Anti-Poverty Commission (NAPC) Cabinet Group. – The Cabinet Members who shall be members of the En Banc NAPC and shall be known as the NAPC Cabinet Group are the following:

Secretary-General, National Anti-Poverty Commission
Secretary, Department of Agrarian Reform
Secretary, Department of Education
Secretary, Department of Health
Secretary, Department of Social Welfare and Development
Chairman, Commission on Higher Education
Chairman, Technical Education and Skills Development Authority
Chairman, Philippine International Trading Corporation
Chairman, Commission on Filipinos Overseas

SECTION 2. Subic-Clark Alliance for Development. – The Subic-Clark Area Development Council is hereby renamed Subic-Clark Alliance for Development.

SECTION 3. National Economic and Development Authority (NEDA) Cabinet Group. – The Cabinet Members who shall be members of the NEDA Board and who shall be known alternatively as the NEDA Cabinet Group or the Economic Managers are the following:

Director-General, National Economic and Development Authority
Chairman, Housing and Urban Development Coordinating Council
Secretary, Department of Agriculture
Secretary, Department of Budget and Management
Secretary, Department of Energy
Secretary, Department of Environment and Natural Resources
Secretary, Department of Finance
Secretary, Department of Public Works and Highways

Secretary, Department of Science and Technology
Secretary, Department of Tourism
Secretary, Department of Trade and Industry
Secretary, Department of Transportation and Communications
Chairman, Metro Manila Development Authority
Chairman, Commission of Information and Communication Technology
Chairman, Subic-Clark Alliance for Development
Presidential Adviser for New Government Centers

SECTION 4. Secretary of Labor and Employment. – The Secretary of Labor and Employment shall be a member of the NEDA Board, the NAPC and the NAPC Cabinet Group.

SECTION 5. National Security Council (NSC) Cabinet Group. – The Cabinet Members who shall be members of the NSC and shall be known as the NSC Cabinet Group are the following:

National Security Adviser
Secretary, Department of Foreign Affairs
Secretary, Department of National Defense
Secretary, Department of the Interior and Local Government
Secretary, Department of Justice
Press Secretary
Presidential Chief of Staff
Presidential Adviser on the Peace Process
Director-General, Presidential Management Staff
Director-General, Philippine Information Agency
Chairman, Dangerous Drugs Board
Chairman, National Broadcasting Network
Chairperson, Presidential Anti-Graft Commission

SECTION 6. National Security Council Executive Committee. – There shall be a National Security Council Executive Committee composed of the following:

The President as Chairman
Director-General, National Security Council
Secretary, Department of the Interior and Local Government
Secretary, Department of Defense
Secretary, Department of Justice

SECTION 7. Executive Secretary. – The Executive Secretary shall be a member of all Cabinet Groups.

SECTION 8. Repealing Clause. – All executive issuances, rules and regulations or parts thereof which are inconsistent with the provisions of this Administrative Order are hereby repealed or modified accordingly.

SECTION 9. Effectivity. – This Administrative Order shall take effect immediately.

City of Manila, 12 May 2006

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 150-A
AMENDING ADMINISTRATIVE ORDER NO. 150 DATED MAY 12, 2006 ENTITLED
“REORGANIZING THE CABINET GROUPS”

WHEREAS, Administrative Order No. 150, dated May 12, 2006 provided for the reorganization of the cabinet groups to address major concerns in the implementation of the Administration’s 10-point agenda;

WHEREAS, paragraph 2, Section 31, Chapter 10, Title III, Book III of the Administrative Code grants to the President continuing authority to reorganize the administrative structure of the Office of the President;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Sections 4 and 5 of Administrative Order No. 150, dated May 12, 2006 are hereby amended to read as follows:

“SECTION 4. Secretary of Labor and Employment. – The Secretary of Labor and Employment shall be a member of the NAPC and the NAPC Cabinet Group.”

“SECTION 5. National Security Council (NSC) Cabinet Group. – The Cabinet Members who shall be members of the NSC and shall be known as the NSC Cabinet Group are the following:

National Security Adviser
Secretary, Department of Foreign Affairs
Secretary, Department of National Defense
Secretary, Department of the Interior and Local Government
Secretary, Department of Justice
Press Secretary
Presidential Chief of Staff
Political Adviser
Presidential Adviser on Peace Process
Director-General, Presidential Management Staff
Director General, Philippine Information Agency
Chairman, Dangerous Drugs Board
Chairman, National Broadcasting Network
Chairperson, Presidential Anti-Graft Commission

SECTION 2. Repealing Clause. All executive issuances, rules and regulations or parts thereof which are inconsistent with the provisions of this Administrative Order are hereby repealed or modified accordingly.

SECTION 3. Effectivity. This Administrative Order shall take effect immediately.

DONE, in the City of Manila, on this 6th day of September, in the year of our Lord, Two Thousand and Six.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 150-B
AMENDING THE MEMBERSHIP OF THE NATIONAL SECURITY COUNCIL CABINET GROUP

WHEREAS, Administrative Order No. 104 dated 07 September 2004 provided for Cabinet groups to enable the Government to address major concerns in the implementation of the Administration's 10-point agenda;

WHEREAS, Administrative Order No. 150 dated 12 May 2006 reorganized the Cabinet Groups of the President;

WHEREAS, in the exigency of the service, there is a need to further amend the membership of the National Security Council Cabinet Group; and

WHEREAS, Section 31, Chapter 10, Title III of Executive Order No. 292, series of 1987, otherwise known as the "Administrative Code of 1987" provides that the President shall have continuing authority to reorganize the administrative structure of the Office of the President.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Section 5 of Administrative Order No. 150 (s. 2006) is hereby amended to read as follows:

"Section 5. National Security Council (NSC) Cabinet Group. – The Cabinet Members who shall be members of the NSC and shall be known as the NSC Cabinet Group are the following:

National Security Adviser
Secretary, Department of Foreign Affairs
Secretary, Department of National Defense
Secretary, Department of the Interior and Local Government
Secretary, Department of Justice
Press Secretary
Presidential Chief of Staff
Presidential Adviser on the Peace Process
Director - General, Presidential Management Staff
Director - General, Philippine Information Agency
Chairman, Dangerous Drugs Board
Chairperson, Presidential Anti-Graft Commission"

SECTION 2. Repealing Clause. All executive issuances, rules and regulations or parts thereof which are inconsistent with the provisions of this Administrative Order are hereby repealed or modified accordingly.

SECTION 3. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 29th day of November, in the year of our Lord, Two Thousand and Seven.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 151

**AFFIRMING THE AUTHORITY OF THE MANILA INTERNATIONAL AIRPORT
AUTHORITY (MIAA) OVER ALL OPERATIONS IN THE PREMISES OF THE NINYO AQUINO
INTERNATIONAL AIRPORT (NAIA)**

WHEREAS, under Section 9(b) of EO 903, the MIAA General Manager is empowered to provide general supervision and overall coordination of all government agencies operating in the NAIA with respect to the allocation and use of building space and airport premises;

WHEREAS, under Section 18(b) of EO 125, the MIAA has police authority over the NAIA premises including the areas allocated and used by said government agencies, and the Airport Security Center, which is under the direct control of the MIAA General Manager, has the authority to plan, supervise, control, coordinate, integrate and direct intelligence and operational activities of all police and military units, security and safety units, government monitoring and intelligence units and other security operating units employed by government entities in the NAIA;

WHEREAS, as Charter Member of the United Nations and as part of the International Coalition against terrorism, the Philippines must actively implement United Nations Security Council Resolutions against terrorism;

WHEREAS, in the war against terrorism, there must be a comprehensive security plan for critical infrastructure;

WHEREAS, NAIA is critical infrastructure in the war against terrorism;

WHEREAS, to ensure that security requirements for NAIA are fully addressed, it is imperative that the MIAA General Manager be given jurisdiction over terrorists and violators of the law who might avail themselves of the services of, and facilities in, government agencies operating in NAIA;

WHEREAS, based on the experience of other international airports in other countries, the concept of a single authority to control and supervise the exercise of relevant government functions including law enforcement in the airport has been successful and effective in promoting efficiency, security, safety, public service and convenience thereat;

WHEREAS, the President of the Philippines has control and supervision over all agencies operating in NAIA;

NOW, THEREFORE, I, GLORIA M. ARROYO, by virtue of the powers vested in me by the Constitution and law, do hereby order:

Section 1. The General Manager of the MIAA, upon his determination on the basis of validated intelligence, relevant data and information, that certain persons, things or transactions conducted in the government agencies operating in NAIA pose risks or threats to the safety and security of the airport and its users, or the Philippines and its citizens, may hold, stop or otherwise prevent the entry or exit of such persons or things, or the conduct of such transactions, or do such acts as may be necessary or proper to address fully, swiftly, and effectively such risks or threats.

Section 2. The General Manager of the MIAA may cause the government agencies operating in the NAIA to modify or make adjustments in the layout of their offices, the flow of work and other

arrangements and procedures, if he finds that the same or any of them contravenes or is inconsistent with the safety and security plans and programs of the MIAA as approved by the Office for Transportation Security established under Executive Order No. 311 dated 26 April 2004, or abets, facilitates or creates opportunities for breach of security or safety regulations or violation of law. He may also make as a condition for the occupancy and use of areas in the NAIA premises by government agencies or their continued occupancy and use thereof, adherence to certain design, layout, procedures, processes and stipulations to ensure consistency with the security and safety plans and programs of the MIAA.

Section 3. Within ninety (90) days from the effectivity hereof, the General Manager shall review the activities of, and the conduct and manner these activities are being undertaken by the various government agencies operating in the NAIA, and if necessary amend the working arrangement (layout, design, activity list, work flow, guidelines, etc.) taking into account service efficiency, security, safety, public service and the convenience of the transacting public. Said working arrangement shall govern the conduct and manner of the activities of all government agencies operating in the NAIA: Provided, that for the purpose of implementing the said working arrangement, the General Manager shall exercise supervision over the personnel of such government agencies: Provided, further, that such supervision by the General Manager over the personnel of such government agencies for the purpose of implementing the said working arrangement, neither removes nor diminishes the power and authority of said government agencies insofar as their legal mandates are concerned and their control and supervision over their personnel; Provided, finally, that the said working arrangement may be amended or adjusted by the General Manager from time to time as and when the need arises. All government agencies operating at NAIA are directed to give their utmost cooperation and assistance in the review of activities and in the amendment of the working arrangements.

Section 4. All government agencies operating in the NAIA shall be covered by this Order. These include, but shall not be limited to, the Bureau of Immigration, Bureau of Customs, Bureau of Quarantine, Philippine National Police – Aviation Security Group, Air Transportation Office and the National Bureau of Investigation.

Section 5. The actions and directives of the General Manager in the exercise of his authority hereunder shall be immediately executory and shall be followed and implemented forthwith by the concerned government agencies and personnel.

Section 6. All orders and issuances inconsistent with this Administrative Order are hereby repealed or accordingly modified.

Section 7. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 20th day of May, in the year of Our Lord, Two Thousand and Six.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 152

DESIGNATING THE DEPARTMENT OF FOREIGN AFFAIRS TO TAKE THE LEAD IN THE PLANNING, COORDINATION, IMPLEMENTATION AND CONDUCT OF PROGRAMS AND ACTIVITIES IN COMMEMORATION OF THE PHILIPPINE AMERICAN-FRIENDSHIP DAY

WHEREAS, July 4, 2006 marks the 60th Anniversary of the Philippine-American Friendship Day;

WHEREAS, one of the eight major elements of the foreign policy environment of the Arroyo administration is our strong and enduring historical, cultural, economic and security relationship with the United States;

WHEREAS, the milestone event of the 60th Anniversary of the Philippine-American Friendship Day must be appropriately observed to promote the spirit of our strong relationship with the United States in accordance with the foreign policy of the Arroyo administration;

NOW, THEREFORE, I, GLORIA M. ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. The Department of Foreign Affairs is hereby designated to take the lead in planning, coordinating, implementing and conducting the programs and activities commemorating the Philippine-American Friendship Day on July 4, 2006.

Section 2. As the leader of this event, the Secretary of Foreign Affairs shall immediately convene a Task Force to plan and implement effectively all programs, projects and activities relating to the said national event.

Section 3. The Task Force shall be composed of officials of the Department of Foreign Affairs and other departments and agencies designated by the Secretary of Foreign Affairs.

Section 4. All departments, bureaus, offices, national government agencies and local government units and government-owned and -controlled corporations are hereby enjoined to give full support, assistance and cooperation to the Secretary of Foreign Affairs in the exercise of his responsibilities under this Order.

Section 5. All branches of government charged with promoting the historical, cultural, economic and security relationship between the Philippines and the United States are enjoined to participate in the 60th Anniversary celebration of the Philippine-American Friendship Day as well as to enlist the participation of private sector groups and non-government organizations to ensure the success of the celebration.

Section 6. In support of this event, all concerned agencies and local government units, subject to budgetary laws and issuances, are authorized to contribute such amounts as may be reasonable to help defray expenses for said event.

Section 7. The Secretary of Budget and Management shall release the amount of Five Million Pesos (P5,000,000.00) chargeable against the Department of Foreign Affairs for FY 2006 to fund the activities and operations of the 60th Anniversary Celebration of the Philippine-American Friendship Day.

Section 8. This Administrative Order shall take effect immediately.

DONE in the City of Manila this 26th Day of May, in the Year of Our Lord, Two Thousand and Six.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 153

DIRECTING THE NATIONAL HISTORICAL INSTITUTE, UNDER THE OVERSIGHT OF THE DEPARTMENT OF EDUCATION, TO ORGANIZE AND IMPLEMENT THE OBSERVANCE OF THE 150TH BIRTH ANNIVERSARY OF GRACIANO LOPEZ JAENA ON DECEMBER 18, 2006

I, **GLORIA MACAPAGAL-ARROYO**, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby direct the National Historical Institute, under the oversight of the Department of Education, to organize and implement the observance of the 150th Birth Anniversary of the Great Filipino Propagandist, Graciano Lopez Jaena, on December 18, 2006.

The Department of Budget and Management is hereby authorized to release the amount of One Million Pesos (P1,000,000.00) from the funds of the Department of Education for FY 2006 to defray the expenses for the Year 2006 activities commemorating the 150th Birth Anniversary of Graciano Lopez Jaena.

This Administrative Order shall take effect immediately.

DONE in the City of Manila this 5th day of June, in the Year of Our Lord, Two Thousand and Six.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 154
AUTHORIZING THE GRANT OF OCCUPATIONAL SPECIALTY PAY TO AIRWAYS
COMMUNICATORS AND AIR NAVIGATION SYSTEM SPECIALISTS IN THE AIR
TRANSPORTATION OFFICE

WHEREAS, the various levels of Airways Communicator and Air Navigation System Specialist positions complement the work of Air Traffic Controller positions in providing services to maintain safe, expeditious and orderly flow of air traffic;

WHEREAS, Memorandum Order No. 291, dated May 3, 1990, authorized the grant of Technical Incentive Allowance of P1,000 per month to certain positions under the Air Traffic Service and Airways Navigation Service of the Air Transportation Office (ATO) effective July 1, 1989 to June 30, 1990 only or until such time that the air transport services have been privatized;

WHEREAS, Administrative Order No. 97, dated March 24, 2004, in recognition of the unique duties and responsibilities of Air Traffic Controllers in the ATO, authorized the grant of Occupational Specialty Pay at P2,000 each per month effective March 1, 2004, inclusive of the P1,000 Technical Incentive Allowance;

WHEREAS, in the interest of fairness and equity, it is but proper that the Occupational Specialty Pay be likewise extended to the various levels of Airways Communicator and Air Navigation System Specialist positions.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The monthly Occupational Specialty Pay at Two Thousand Pesos (P2,000.00) authorized to be granted to the various levels of Air Traffic Controller positions and to the Directors in the Air Traffic Service of the Air Transportation Office (ATO) under Administrative Order No. 97, series of 2004, shall also be granted to those holding the following positions in the Air Traffic Service and in the Airways Navigation Service of the ATO:

Airways Communicator I
Airways Communicator II
Senior Airways Communicator
Supervising Airways Communicator
Assistant Chief Airways Communicator
Chief Airways Communicator
Airways Communications Services Supervisor
Air Navigation System Specialist I
Air Navigation System Specialist II
Supervising Air Navigation System Specialist
Assistant Chief Air Navigation System Specialist
Chief Air Navigation System Specialist

Air Navigation Services Supervisor
Director I, Airways Navigation Service
Director II, Airways Navigation Service

SEC. 2. The Occupational Specialty Pay shall not be subject to further adjustments.

SEC. 3. The Technical Incentive Allowance being received by the Airways Communicators and Air Navigation System Specialists is integrated into the Occupational Specialty Pay.

SEC. 4. The Occupational Specialty Pay shall be charged against the savings of the ATO. In case of deficiency, the balance shall be charged against savings of the whole Department of Transportation and Communications, and the Miscellaneous Personnel Benefits Fund authorized under the General Appropriations Act.

SEC. 5. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 16th day of June, in the year of our Lord, Two Thousand and Six.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 155
DESIGNATING THE SECRETARY OF TRADE AND INDUSTRY (DTI) AS
EXPORT ENFORCER

WHEREAS, R.A. 7844, otherwise known as the Export Development Act of 1994, strengthened and institutionalized the Export Development Council (EDC) to oversee the implementation of the Philippine Export Development Plan (PEDP) and coordinate the formulation and implementation of policy reforms to support said plan;

WHEREAS, Article 2 Section 7 of the Act provided the EDC with the following powers and functions, among others:

- a. Identify the main bottlenecks, problem areas and constraints in all areas/sectors/activities which influence the development of exports;
- b. Mandate specific departments and agencies to attend to the bottlenecks and problems constraining the development of exports in any of the areas mentioned;
- c. Impose sanctions on any government agency or officer or employee thereof that impedes efficient exportation of Philippine goods;
- d. Adopt such policies, rules, procedures and administrative systems for the efficient and effective exercise of its powers and functions;

WHEREAS, Executive Order No. 428 series of 2005 mandates the simplification of rules and regulations and the reduction of reportorial requirements to facilitate doing business and encourage more investments in the country;

WHEREAS, the Secretary of the Department of Trade and Industry chairs the EDC, with the President chairing the Council meetings at least quarterly;

WHEREAS, the EDC, in its planning workshop last March 18, 2006, agreed on the need for an Export Enforcer who shall see to the implementation of the decisions reached by the Council.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby designate the Secretary of the Department of Trade and Industry as the Export Enforcer with the power to act in behalf of the President on decisions reached by the Council, implement measures to lower the cost of doing business for exporters, call on all government agencies under the Executive Branch to implement such decisions, report on such implementation and exercise the EDC function of imposing sanctions on any government agency or officer or employee thereof, or private sector entity that impede efficient exportation of Philippine goods.

All issuances, or portions thereof, which are inconsistent with this Administrative Order are hereby revoked, amended or modified accordingly.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 4th day of July, in the year of Our Lord, Two Thousand and Six.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 156

REPEALING ADMINISTRATIVE ORDER NO. 133 DATED 27 DECEMBER 2005 ENTITLED
“STRENGTHENING THE POWERS OF THE SECRETARY OF FINANCE OVER THE BUREAU
OF CUSTOMS”

I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me, do hereby order:

SECTION 1. *Repeal of Administrative Order No. 133, series of 2005.* – Administrative Order No. 133 dated 27 December 2005 is hereby repealed.

SEC. 2. *Effectivity.* – This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 4th day of July, in the year of our Lord, two thousand and six.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2006). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 157
CREATING AN INDEPENDENT COMMISSION TO ADDRESS MEDIA AND ACTIVIST KILLINGS

WHEREAS, the Philippines is a bastion of human rights;

WHEREAS, the Arroyo Administration stopped judicial executions with the abolition of the death penalty;

WHEREAS, the Arroyo Administration condemns political killings in the harshest possible terms;

WHEREAS, the Department of Justice and the Philippine National Police have been given a 10-week deadline to jail suspects in at least 10 media or leftist killings;

WHEREAS, the investigations shall not spare any sector;

WHEREAS, this task requires the cooperation not only on the part of law enforcement authorities and the military, but also among the families of the victims and other sectors concerned;

WHEREAS, witnesses are urged to come forward;

NOW, THEREFORE I, GLORIA M. ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Creation and Mandate – There is hereby created An Independent Commission to Address Media and Activist Killings.

SEC. 2. Composition – The Commission shall be composed of the following:

- a) Retired Supreme Court Justice Jose Melo as Chairman;
- b) The Director of the National Bureau of Investigation (NBI);
- c) The Chief State Prosecutor;
- d) University of the Philippines Regent Nelia Gonzalez; and
- e) One representative from civil society to be appointed by the President;
- f) Atty. Rogelio Vinluan as General Counsel.

SEC. 3. Duties and Functions – The Commission shall have, among others, the following duties and functions:

- i) Prioritize and focus investigation of media and activist killings;
- ii) Be the Government's sole voice on the issue of media and activist killings;
- iii) Make a report to the President outlining its action and policy recommendations including appropriate prosecution and legislative proposals, if any, aimed at eradicating the root causes of extrajudicial killings and breaking such cycle of violence once and for all.

SEC. 4. Prosecution – The Government members of the Commission, namely the NBI Director and the Chief State Prosecutor, shall form a team to prioritize the prosecution of media and activist killings which shall be mandated to put the murderers behind bars at the soonest possible time.

SEC. 5. Powers – The Commission shall have, among others, the following powers:

- a) It shall have all the powers of an investigative body under Section 37, Chapter 9, Book I of the Administrative Code of 1987, including the power to summon witnesses, administer oath, take testimony or evidence relevant to the investigation and to issue compulsory processes to produce documents, books, records and such other matters in the performance of its functions;
- b) It shall have the power to clear or disapprove all pertinent media statements by any member or the Administration;
- c) It shall have the power to promulgate the necessary implementing rules and regulations as may be necessary to carry out the provisions of this Administrative Order;
- d) It shall have the power to call upon any agency of the Government for such assistance as it may require in the discharge of its functions;
- e) It shall have the power to engage the services of resource persons, professionals and other personnel which may be necessary to carry out its functions;
- f) It shall have the power to deputize the Armed Forces of the Philippines, the National Bureau of Investigation, the Philippine National Police, the Department of Justice, and any other law enforcement agency to assist it in the performance of its functions;
- g) It shall have the power to perform any other acts as may be necessary and appropriate to implement this Order.

SEC. 6. General Counsel – Atty. Rogelio Vinluan shall serve as General Counsel to assist the Commission in the discharge of its functions.

SEC. 7. Secretariat – The Commission shall be an independent body. It shall be supported by a Secretariat composed of technical and administrative personnel which shall provide staff support to the Commission.

SEC. 8. Funding – The Office of the President shall provide the funds for the operation of the Commission.

SEC. 9. Agencies' Support – The various departments, bureaus, offices, agencies or instrumentalities including government-owned or -controlled corporations are hereby directed to extend such assistance and cooperation as the Commission may need in the discharge of its functions.

SEC. 10. Effectivity – This Administrative Order shall take effect immediately upon its publication in a national newspaper of general circulation.

DONE, in the City of Manila, this 21th day of August, in the year of Our Lord, Two Thousand and Six.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 158
ORDERING THE FAST-TRACKING OF THE COMPUTERIZATION OF EXPORT-RELATED
PROCESSES OF GOVERNMENT AGENCIES

WHEREAS, Republic Act No. 7844, otherwise known as the Export Development Act of 1994, declared that it shall be the policy of the State to evolve export development into a national effort and that government shall champion exports as a focal strategy for a sustainable agri-industrial development;

WHEREAS, the Philippine Export Development Plan of 2005-2007 has identified as policy imperatives, the simplification of procedures related to exports and the implementation of digital trading systems;

WHEREAS, Executive Order No. 428 mandates the simplification of rules and regulations and the reduction of reportorial requirements to facilitate doing business and encourage more investments in the country;

WHEREAS, the EDC, in its meeting last 17 may 2006 identified the fast-tracking of the computerization of government agencies involved in export-related processes as one solution to reduce cost to exporters;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order the fast-tracking of the computerization of all government agencies involved in export processes as listed in the annex to this Order.

Section 1. All government agencies involved in export processes as listed in the annex of this Order shall fast-track their computerization projects.

Section 2. The Export Development Council shall form and chair a Technical Working Group (TWG) to review and study the processes of government agencies, specifically those that affect the flow of export transactions and identify ways to fast-track their computerization.

Section 3. All government agencies involved in export-related processes are hereby enjoined to report and present the status of their computerization to the TWG.

Section 4. All executive Order or issuances, or portions thereof, which are inconsistent with this Administrative Order are hereby revoked, amended or modified accordingly.

Section 5. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 22nd day of August, in the year of our Lord, Two Thousand and Six.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Reference: Government Agencies

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 159
EXPANDING THE REACH OF THE SERBISYO MUNA! PROJECT TO INCLUDE OTHER
PRIORITY REGIONS OF THE PHILIPPINES

WHEREAS, the Serbisyo Muna! Project is an all-encompassing endeavor which brings together the socio-civic and developmental programs of the different line agencies in cooperation with the local government units and representatives from various sectors as well as non-government groups;

WHEREAS, a major program under this project is the Serbisyo Muna Caravan, which brings medical and dental missions and other government services to various localities, and;

WHEREAS, eight of the ten (10) poorest provinces in the country are coastal or island provinces.

NOW, THEREFORE, I, GLORIA M. ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order:

Section 1. The Serbisyo Muna! Project shall now prioritize the ten poorest provinces in the country.

Section 2. The following government departments, agencies, corporations and units involved in the Serbisyo Muna! Project shall actively participate in the project at the priority provinces in the country by providing technical, logistical and funding support to the various programs under it:

- 1.a Department of Agriculture, (DA)
- 1.b Department of Education, (DEPED)
- 1.c Department of Energy, (DOE)
- 1.d Department of Foreign Affairs, (DFA)
- 1.e Department of Health, (DOH)
- 1.f Department of Labor and Employment, (DOLE)
- 1.g Department of Public Works and Highways, (DPWH)
- 1.h Department of Social Welfare and Development, (DSWD)
- 1.i Department of Trade and Industry, (DTI)
- 1.j Department of Transportation and Communication, (DOTC)
- 1.k Housing and Urban Development Coordinating Council, (HUDCC)
- 1.l Land Transportation Office, (LTO)
- 1.m Manila Waterworks and Sewerage System, (MWSS)
- 1.n National Bureau of Investigation, (NBI)
- 1.o National Food Authority, (NFA)
- 1.p National Housing Authority, (NHA)
- 1.q Office of Political Coalition Affairs, Office of the President, (OP)
- 1.r Philippine Amusement and Gaming Corporation, (PAGCOR)
- 1.s Philippine Charity Sweepstakes Office, (PCSO)
- 1.t Philippine Information Agency, (PIA)
- 1.u Philippine International Trading Corporation, (PITC)
- 1.v Philippine National Police, (PNP)

- 1.w Presidential Commission for the Urban Poor, (PCUP)
- 1.x Technical Education and Skills Development Authority, (TESDA)
- 1.y Training and Livelihood Resource Center, (TLRC)
- 1.z Social Security System, (SSS)

The PAGCOR shall continue to function as the overall lead agency of the said project subject to its mandate as provided by law.

Section 3. The Department of National Defense, (DND) and the Department of the Interior and Local Government, (DILG) are hereby included to participate in the Serbisyo Muna! Project and shall likewise provide technical, logistical and funding support for its programs.

Section 4. The Executive Secretary shall exercise oversight functions over the project with the technical support of the Presidential Management Staff, (PMS).

Section 5. Government participants of this project may enter into Memoranda of Agreements with private corporations, government owned and controlled corporations, government financial institutions and/or non-government organizations to implement specific programs of the project.

Section 6. The Philippine Navy through the Presidential Security Group in the case of the marine vessel Ang Pangulo, while the Philippine Navy in the case of the BRP 550, shall allow the said vessels to bring the Serbisyo Muna Caravan to far-flung areas around the country.

Section 7. All other government agencies not yet affiliated with the Serbisyo Muna! Project are hereby encouraged to participate in this project.

Section 8. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 18th August, in the year of the Lord, Two Thousand and Six.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 160

DIRECTING THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH) TO CONDUCT FIELD INSPECTIONS, EVALUATIONS AND ASSESSMENTS OF ALL BILLBOARDS AND DETERMINE THOSE THAT ARE HAZARDOUS AND POSE IMMINENT DANGER TO LIFE, HEALTH, SAFETY AND PROPERTY OF THE GENERAL PUBLIC AND TO ABATE AND DISMANTLE THE SAME.

WHEREAS, it is the declared policy of the State to protect life, health, safety and property and to promote the general welfare that are essential for the enjoyment by all the people of the blessings of democracy;

WHEREAS, there is proliferation of billboards of all shapes and sizes along the major thoroughfares of Metro Manila and other cities and in national highways in the provinces and other areas in local government units (LGUs);

WHEREAS, the recent typhoon *Milenyo* which hit the country with strong winds showed that some of these billboards are of sub-standard condition because they easily collapse, as they did, to the detriment of the life, health, safety and property of the general public;

WHEREAS, the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA) has announced the coming of another typhoon named *Neneng* and six (6) other typhoons are expected to hit the country until the end of the year;

WHEREAS, upon the recommendation of the Metropolitan Manila Development Authority (MMDA), Department of Public Works and Highways (DPWH) and the National Disaster Coordinating Council (NDCC), there is a need to immediately respond to the effects of the calamity brought about by Typhoon *Milenyo* and other typhoons expected to come in the next months in order to prevent the same occurrence of toppling of billboards resulting in death and injuries, blocking of roads and cutting of posts and wires of electricity and other utilities.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby authorize and direct the Secretary of the Department of Public Works and Highways (DPWH) with the assistance of the Metropolitan Manila Development Authority (MMDA) and the various local government units (LGUs), in view of the six (6) typhoons or more expected to hit the country, to conduct field inspections, evaluations and assessments of all billboards, commercial or non-commercial, nationwide starting with Metro Manila and other areas directly affected by the path of Typhoon *Milenyo* for the purpose of abating and dismantling (a) billboards posing imminent danger or threat to the life, health, safety and property of the public; (b) billboards violating applicable laws, rules and regulations; (c) billboards constructed within the easement of road right-of-way; and/or, (d) billboards constructed without the necessary permits.

SECTION 1. *Tasks of the DPWH.* The DPWH is hereby tasked to:

1.1. Conduct field inspection and determine (a) billboards posing imminent danger or threat to the life, health, safety and property of the public; (b) billboards violating applicable laws, rules and regulations; (c) billboards constructed within the easement of road right-of-way; and (d) billboards constructed without the necessary permit. Priority shall be given to billboards located along major roads in Metro Manila and other cities and other national highways and major thoroughfares as determined by the DPWH;

1.2. Upon evaluation and assessment, issue a certification as to those billboards found to be hazardous and violative of existing standards prescribed by the National Building Code, Structural Code of the Philippines and other related legal issuances furnishing copy of the certification to the LGUs concerned which have jurisdiction over the location of the billboards;

1.3. Abate and dismantle those billboards, commercial or non-commercial, constructed on private or public properties found to be falling under any and all grounds enumerated in paragraph 1.1. above;

1.4. Submit a detailed written report to the Department of Justice (DOJ) to serve as basis for the possible filing of appropriate administrative, civil or criminal cases;

1.5. Call upon the Philippine National Police (PNP) to provide assistance in the dismantling of billboards and other off-site signs declared as covered under paragraph 1.1. above.

SECTION 2. *Assistance by MMDA and LGUs.* The Metropolitan Manila Development Authority (MMDA) and/or the concerned LGUs are hereby directed to give full support and assistance to the DPWH for the immediate inspection, assessment and abatement of billboards found to be hazardous and violative of the National Building Code, the Structural Code of the Philippines and related issuances.

The MMDA and the concerned LGUs are directed to submit to DPWH within five (5) days from effectivity hereof an inventory of all billboards existing in their respective territorial jurisdiction, whether or not a permit was duly granted for the construction of the same, that have been the subject of inspection and evaluation.

SECTION 3. *Creation of a Special Task Force.* The DPWH shall create a Special Task Force composed of the representatives from the DPWH, DOJ and MMDA who shall evaluate the findings of DPWH and shall proceed to investigate owners of billboards and public officials for the purpose of determining the filing of appropriate civil, criminal or administrative cases, including the recovery from the owners of these billboards the cost and related expenses in the abatement subject to existing laws and with due regard to due process.

SECTION 4. *Abatement of Nuisance or Hazardous Billboards.* Upon determination by the DPWH that a particular billboard found within national highways and major thoroughfares in Metro Manila and key cities as determined by DPWH is a nuisance or hazardous pursuant to paragraph 1.1. hereof, it shall abate and dismantle the same in accordance with law.

LGUs are directed to strictly enforce the laws and regulations on the construction and maintenance of billboards, and pursuant to the Local Government Code, declare, prevent or abate nuisance billboards found within the local roads in their territorial jurisdiction unless the DPWH has already initiated abatement proceedings against the owner of, or any party having interest in, the billboard in accordance with the immediately preceding paragraph.

The abatement and dismantling of nuisance billboards shall be at the expense of the owners or any party having interest thereof.

SECTION 5. *Review of existing laws, rules and regulations.* The DPWH shall review the existing laws, rules and regulations and recommend to Congress appropriate legislation, if any, and/or issue stricter rules and regulations on the construction and maintenance of billboards, including the designation of specific place for the construction of billboards consistent with the National Building Code within fifteen (15) days from effectivity of this Administrative Order.

SECTION 6. *Funding.* An initial funding of Ten Million Pesos (P10,000,000.00) for the purpose of implementing this Administrative Order shall be sourced from the Calamity Fund.

SECTION 7. *Effectivity.* This Administrative Order shall take effect immediately after its publication in a national newspaper of general circulation.

DONE in the City of Manila, this 4th day of October, in the year of Our Lord, two thousand and six.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 160-A
SPECIFYING THE LEGAL GROUNDS AND PROCEDURES FOR THE PROHIBITION AND
ABATEMENT OF BILLBOARDS AND SIGNBOARDS CONSTITUTING PUBLIC NUISANCE OR
OTHER VIOLATIONS OF LAW

WHEREAS, Administrative Order (AO) No. 160 dated October 4, 2006 directed the Department of Public Works and Highways (DPWH) to conduct field inspections, evaluations and assessments of all billboards and determine those that are hazardous and pose imminent danger to life, health, safety and property of the general public and to abate and dismantle the same;

WHEREAS, the sovereign has the right to exercise its police power, as its essential attribute, to promote order, safety, security, health, morals, and general welfare within constitutional limits;

WHEREAS, under the police power of the state, billboards are a form of commercial speech which can be prohibited;

WHEREAS, in a long line of jurisprudence, the cognate United States Supreme Court has held, e. g., that insofar as an ordinance regulates commercial speech, it may forbid commercial advertising, without running afoul of the Free Speech Clause of the Constitution, where it directly advances governmental interests in traffic safety and aesthetics (*Metromedia, Inc. v. San Diego*, 453 US 490);

WHEREAS, the exercise of police power over billboards are covered by various enactments, generally in the Civil Code, and particularly in the National Building Code, Structural Code, and related laws, such as the Local Government Code.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby reiterate my directive to the Secretary of Public Works and Highways, with the assistance of the officials mentioned in Administrative Order (AO) No. 160 dated October 4, 2006 to follow the procedure prescribed by law for the abatement of billboards and signboards as a public nuisance, and to avail of remedies provided by existing laws.

SECTION 1. Public Nuisance. The Civil Code defines nuisance, in Article 694, Title VIII, Book II, as any act, omission, establishment, condition of property, or anything else which:

- (a) Injures or endangers the health or safety of others; or
- (b) Annoys or offends the senses; or
- (c) Shocks, defies or disregards decency or morality; or
- (d) Obstructs or interferes with the free passage of any public highway or street, or any body of water; or
- (e) Hinders or impairs the use of property.

Article 695 of the Civil Code provides that a public nuisance affects a community or neighborhood or any considerable number of persons, although the extent of the annoyance, danger or damage upon individuals may be unequal.

SEC. 2. Prohibited Billboards and Signboards. Pursuant to the National Building Code, Chapter 20, Section 2001, the following billboards and signboards are prohibited:

- (a) Those erected in such a manner as to confuse or obstruct the view or interpretation of any official traffic sign, signal, or device; or
- (b) Those that unduly obstruct the natural view of the landscape, distract or obstruct the view of the public as to constitute a traffic hazard, or otherwise defile, debase, or offend the aesthetic and cultural values and traditions of the Filipino people.

SEC. 3. Remedies Against Building Code Violations. Pursuant to Section 206 of the National Building Code, the Building Official shall immediately issue notice of non-issuance, suspension, or revocation of building permits for non-compliance with the provisions of the National Building Code, or of any rule or regulation.

Pursuant to Section 215 of the National Building Code, when any billboard or signboard is found or declared to be dangerous or ruinous, the Building Official shall order its repair, vacation, or demolition depending upon the degree of danger to life, health, or safety. This is without prejudice to further action that may be taken pursuant to the Civil Code provisions in Articles 482 and 694 to 707.

SEC. 4. Remedies Against Public Nuisance. Pursuant to Article 699 of the Civil Code, in relation to AO No. 160, dated October 4, 2006, the Department of Public Works and Highways (DPWH), through its Secretary, with the help of the Metropolitan Manila Development Authority (MMDA), and the various local government units (LGUs), through the local Building Officials, shall take care that one or all of the following remedies against public nuisances are availed of:

- (a) A prosecution under the Revised Penal Code or any local ordinance; or
- (b) A civil action; or
- (c) Abatement, without judicial proceedings; if the local Building Official determines that this is the best remedy under the circumstances.

SEC. 5. Remedy of Civil Action. Pursuant to Article 701 of the Civil Code, the city or municipal mayors shall commence the civil action brought by reason of the maintenance of a public nuisance.

SEC. 6. Actual or Compensatory Damages. Pursuant to Article 2176 of the Civil Code, whoever by act or omission relating to billboards and signboards causes damage to another, there being fault or negligence, is liable for a quasi-delict and is obliged to pay for the damage done.

Pursuant to Article 2202 of the Civil Code, in quasi-delicts, the owners of billboards and signboards and their advertising agencies as defendants shall be liable for all damages which are the natural and probable consequences of the billboard event complained of. It is not necessary that such damages have been foreseen or could reasonably have been foreseen by the defendant.

SEC. 7. Effectivity. This Administrative Order shall take effect immediately after its publication in a national newspaper of general circulation.

DONE in the City of Manila, this 10th day of October, in the year of Our Lord, Two Thousand Six.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 161
INSTITUTIONALIZING QUALITY MANAGEMENT SYSTEM IN GOVERNMENT

WHEREAS, the Philippines was ranked number 49 among 61 countries in the 2006 World Competitiveness Yearbook, and number 77 among 117 countries in the Global Competitiveness Report of the World Economic Forum;

WHEREAS, there is a need to identify specific actions to improve the country's competitiveness ranking specifically in the areas of business and government efficiency;

WHEREAS, the International Organization for Standardization (ISO) has developed standards for Quality Management System known as the ISO 9000 series to ensure consistency of quality products and services through quality processes;

WHEREAS, the Philippines has adopted the ISO 9001:2000 Philippine National Standards to build a quality culture that characterizes customer-driven organizations and to further strengthen the global competitiveness among the economic sectors;

WHEREAS, there is a need to establish a national system of accreditation as a specific strategy to promote transparency and accountability in governance, provide a framework for assessing quality system performance, establish public service quality standards and recognize quality excellence among the government organizations;

WHEREAS, a growing number of certified agencies can serve as benchmarks and models of quality excellence for other agencies to emulate, thereby building a culture of continual improvement in government.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the power vested in me by law, do hereby order:

SECTION 1. Institutionalization of Quality Management System in Government. All government agencies and government owned and controlled corporations (GOCCs) are hereby enjoined to establish an ISO-aligned Quality Management System to be recognized for demonstrated conformity of such quality management system to applicable Philippine National Standards. This shall be achieved through the implementation of a government-wide Quality Management Program.

Local Government Units (LGUs) are encouraged to likewise establish an ISO-aligned Quality Management System (QMS).

SECTION 2. Objectives of the Government Quality Management Program. The Government Quality Management Program (GQMP) has the following objectives:

- a. Promote and enhance public sector performance through the adoption of ISO 9001:2000-aligned QMS in all government agencies, GOCCs and LGUs;
- b. Develop an institutional infrastructure that shall provide certification comparable to international certification;
- c. Recognize customer-driven government organizations that have demonstrated alignment to international standards for other government agencies to emulate.

SECTION 3. Development of Institutional Structure, Systems, and Standards. The Department of Budget and Management thru its Organization Productivity Improvement Bureau, the Department of Trade and Industry thru its Bureau of Product Standards and the Development Academy of the Philippines are hereby directed to constitute a committee to formulate the appropriate institutional framework, mechanisms and appropriate standards within sixty (60) days from effectivity of this Administrative Order to effectively implement the GQMP and to ensure the credibility of all aspects of the system in line with applicable international standards, including the adequacy of the criteria and processes for recognition, and to assess how well the system is serving the national interest. Relevant constitutional bodies such as the Commission on Audit and the Civil Service Commission may be consulted to ensure alignment and integration of the QMS with existing government management systems.

SECTION 4. Effectivity. This Executive Order shall take effect immediately.

Done in the City of Manila, this 5th day of October, in the year of Our Lord, Two Thousand and Six.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 162
ADOPTING AND PROMOTING THE THEME “ONE CARING AND SHARING COMMUNITY”
FOR THE UPCOMING 12TH ASEAN SUMMIT

WHEREAS, on December 10 to 14, 2006, the Republic of the Philippines will host in Cebu the 12th ASEAN Summit where all the Leaders of the ASEAN member countries and ASEAN Dialogue Partners will meet to discuss and agree on initiatives that cover key areas of cooperation;

WHEREAS, there is a need to effectively and accurately inform the public of the ASEAN-related policies, programs and objectives and the importance of the upcoming Summit to the Philippines;

WHEREAS, for its Chairmanship, the Philippines has chosen the theme - “One Caring and Sharing Community”, a theme that carries a significant meaning in moving towards one ASEAN community and in the future, an ASEAN union.

WHEREAS, promoting the theme adopted for the Summit will encourage the people to take the time to learn more about what the ASEAN means and how multilateral meetings such as these affect the nation;

WHEREAS, the task of communicating the government’s various policies, programs and objectives, including their accomplishments and performance, is a responsibility of all departments and agencies of the government, particularly in their respective jurisdictions;

WHEREAS, government-owned and controlled corporations, financial institutions and other government instrumentalities should likewise contribute in informing the people of the importance of this upcoming ASEAN Summit;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. All national government agencies, including government-owned and controlled corporations, government financial institutions and other government corporate entities, and their subsidiaries and other instrumentalities under the Executive Department, are hereby encouraged to adopt the theme “One Caring and Sharing Community” for their Yuletide events, activities and décor as they are to undertake an information dissemination campaign regarding their respective ASEAN-related activities and programs.

SEC. 2. All government agencies are hereby directed to encourage the public that they serve especially private offices, malls, schools and transport hubs to adopt the theme and ASEAN SUMMIT logos in their Yuletide décor media advertisements to show that our community and country is one in extolling ASEAN and welcoming the visitors to the Summit.

SEC. 3. All government media outlets and/or stations are directed to be at the forefront in the effort to make our people aware of the upcoming Summit as they assist the various offices and agencies in the preparation and/or production of information campaign materials.

SEC. 4. The Office of the Press Secretary, in coordination with Department of Foreign Affairs, shall be the central implementing and monitoring agency of this Order. The Press Secretary is instructed to undertake the following:

1. Formulate and distribute, in coordination with the Presidential Protocol Office, guidelines on the proper use of flags and logos of the various ASEAN nations, its dialogue partners and the 12th ASEAN Summit meetings;
2. Track and report the various public information-related activities of all government offices and agencies in connection with the Summit and regularly update the Cabinet;
3. Call upon any official, agent, employee, agency or instrumentality of the national or local government for any assistance that may be necessary to maximize public exposure of the Philippine hosting; and,
4. Subject to existing laws, rules and regulations enter into agreements and contracts necessary for the attainment of the objectives of this Administrative Order, including contracts for services.

SEC. 5. The Department of Education is instructed to issue a memorandum to all public and private schools encouraging them to adopt this theme and include the ASEAN Summit in various activities for the Yuletides.

SEC. 6. The Department of Trade and Industry shall be responsible for coordinating with the business sector in furthering the letter and spirit of this AO, particularly in broadening awareness and appreciation of the Summit through private advertising, promotions and merchandising.

SEC. 7. The Press Secretary is directed to coordinate with various broadcast and print media outfits, media associations and press clubs to obtain their support in propagating the theme of the upcoming Summit.

SEC. 8. The Secretary of Department of the Interior and Local Government is instructed to encourage local government units to adopt this theme and undertake related measures and activities to disseminate information regarding the upcoming Summit among their respective constituents.

SEC. 9. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 30th day of November, in the year of Our Lord, Two Thousand and Six.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 163
STRENGTHENING AND INCREASING THE MEMBERSHIP OF THE PRESIDENTIAL
HUMAN RIGHTS COMMITTEE, AND EXPANDING FURTHER THE FUNCTIONS OF SAID
COMMITTEE

WHEREAS, Administrative Order No. 29 dated 27 January 2002 established the Presidential Human Rights Committee;

WHEREAS, the Philippines is one of the first elected members of the United Nations Human Rights Council, and has pledged to strengthen the Presidential Human Rights Committee in the country;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *Composition.* The Presidential Human Rights Committee shall be composed of the following:

The Executive Secretary as Chairman
The Secretary of Justice as Vice-Chairperson
The Secretary of Foreign Affairs as Co-Vice-Chairperson
The Secretary of Education
The Secretary of Interior and Local Government
The Secretary of National Defense
The Secretary of Health
The Secretary of Social Welfare and Development
The Secretary of Budget and Management
The Press Secretary
The Director-General of the National Economic Development Authority
The Chief Presidential Legal Counsel
The Lead Convenor of the National Anti-Poverty Commission

The foregoing members shall designate alternate representatives to render continuing support and extend such help as may be needed to carry out the functions and duties of the Committee.

The Chairperson of the Commission on Human Rights, the Ombudsman, the Chairperson of the House Committee on Civil, Political and Human Rights, the Chairperson of the Senate Committee on Justice and Human Rights, and the Supreme Court Administrator may join the Committee as observers.

SEC. 2. *Objective of the Committee.* The Committee shall serve as the primary advisory body to the President in effectively addressing all human rights concerns/issues in the country.

SEC. 3. *Functions and Duties of the Committee.* The Committee shall cooperate and coordinate with concerned government and private agencies, entities and groups in the performance of the following functions and duties:

-
- a. To formulate the National Human Rights Action Plan in accordance with international human rights treaty obligations and to adopt a “rights-based approach” in the formulation of said plan;
 - b. To undertake the necessary measures that will ensure its adoption and implementation;
 - c. To assist victims of human rights violations and their families, especially victims of enforced or involuntary disappearances, in enforcing their rights under pertinent laws including but not limited to The Victim Compensation Program (R.A. 7309) and the Witness Protection Program (R.A. No. 6981);
 - d. To assess and monitor all aspects of the human rights situation in the country and to collate all necessary data on human rights violations and abuses;
 - e. To set up and implement a media program to portray an accurate assessment of the human rights situation in the country;
 - f. To ensure compliance with and strict adherence by the government to all its obligations under international human rights instruments where the Philippines is a party, including the timely submission of treaty implementation reports, replies and comments on cases filed with the United Nations;
 - g. To conduct quarterly dialogues with the President;
 - h. To submit annual reports to the President; and
 - i. To perform such other functions and duties as may be directed by the President and/or as may be necessary to meet the objectives of the Committee.

SEC. 4. *Assistance and Cooperation.* All government agencies are hereby directed to actively cooperate and support the Committee. For this purpose, the Committee, through the Chairperson, may call upon any department, bureau, office, agency or instrumentality of the government, including government owned or controlled corporations, for such assistance as it may need in the discharge of its functions. It shall also engage the participation of non-government organizations and other civil society representatives involved in human rights advocacy.

SEC. 5. *Lead Agencies and Working Groups on International Human Rights Treaties.* The following are designated as Lead Agencies in coordinating compliance with international human rights treaties:

1. The Department of Justice – International Covenant on Civil and Political Rights (ICCPR)
2. The Department of Interior and Local Government – Convention against Torture (CAT)
3. The National Commission on Indigenous People – Convention on the Elimination of Racial Discrimination (CERD)
4. The National Economic and Development Authority – International Covenant on Economic, Social and Cultural Rights (ICESCR)
5. The Department of Labor and Employment – Convention on the Rights of Migrant Workers (CMW)
6. The National Commission on the Role of Filipino Women – Convention on the Elimination of Discrimination against Women (CEDAW)
7. The Department of Social Welfare and Development – Convention on the Rights of Child (CRC)

Working Groups shall be established for each of the treaties. The Lead Agency shall chair the Working Group and shall identify the government agencies which shall be members of the Working

Group. The Lead Agencies shall request the assistance of any government agency to ensure that the treaties are complied with.

The Department of Foreign Affairs shall coordinate with and provide assistance to the Working Groups in the preparation and submission of country reports to their respective treaty bodies.

In case the Philippines becomes a State Party to a new human rights instruments, the Presidential Human Rights Committee shall designate the Lead Agency to coordinate the implementation of such treaty.

SEC. 6. *Secretariat.* The Committee shall have a Secretariat attached to the Office of the President, which shall be headed by an Executive Director with the rank of Undersecretary, to be appointed by the President. The Secretariat shall provide staff support to the Committee.

SEC. 7. *Funding.* Initial funding for the operations of the Committee shall be taken from such available sources as may be identified by the Department of Budget and Management.

Subsequent funding for the operations of the Committee shall be incorporated in the budget proposal of the Office of the President.

SEC. 8. *Separability of Provisions.* If any provision of this Administrative Order is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue with full force and effect.

SEC. 9. *Repeal.* All orders, rules and regulations inconsistent with the Administrative Order are hereby repealed or modified accordingly.

SEC. 10. *Effectivity.* This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 8th day of December, in the year of our Lord, Two Thousand and Six.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 164
AUTHORIZING THE GRANT OF PERFORMANCE BONUS FOR FY 2006

WHEREAS, government agencies exerted commendable efforts towards sustaining sound fiscal performance;

WHEREAS, the government personnel played an important role in achieving sound fiscal performance and in providing quality service to the Filipino people;

WHEREAS, it is the policy of the government to improve the economic welfare of government personnel;

NOW, THEREFORE, I GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. All personnel of national government including government-owned or controlled corporations (GOCCs) and government financial institutions (GFIs), whether hired on permanent, temporary, casual or contractual basis and who have rendered at least four (4) months of service as of November 30, 2006, are entitled to receive a Performance Bonus (PerB) in the amount not to exceed **Six Thousand Pesos (P6,000.00)** each.

SECTION 2. Government personnel who have rendered less than four (4) months of service as of November 30, 2006 shall also be entitled to PerB on a pro-rated basis as follows:

Length of Service	Percentage
3 months but less than 4 months	40%
2 months but less than 3 months	30%
1 month but less than 2 months	20%
Less than 1 month	10%

SECTION 3. The PerB shall be granted to all government personnel who have not received any additional benefit in FY 2006 over and above the year-end benefit authorized under R.A. No. 6686, as amended by R.A. No. 8441.

SECTION 4. Funds needed to implement this Order shall be charged against the following:

- a. For national government agencies except the Constitutional Offices/Fiscal Autonomy Group (CFAG):
 - o Available savings of the departments/agencies; and
 - o All unreleased appropriations under the FY 2006 budget, which shall be pooled for the purpose;
- b. For agencies under CFAG, the amount shall be charged against their available savings; and,

c. For GOCCs and GFIs, the amount needed shall be charged against their respective corporate funds.

- o GOCCs and GFIs which do not have adequate or sufficient resources may partially implement the benefit herein authorized, provided that the partial implementation shall be uniform for all positions.

SECTION 5. Payment of this benefit shall be made not earlier than December 15, 2006.

SECTION 6. The implementing rules and regulations covering this Administrative Order shall be issued by the Department of Budget and Management.

SECTION 7. This Order shall take effect immediately.

DONE in the City of Manila, this 11th day of December, in the year our Lord, Two Thousand and Six.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 165
REORGANIZING THE DEPARTMENT OF DEFENSE

WHEREAS, Executive Order (EO) 292 the Administrative Code of 1987 and EO 112 of 1999 define the mandate of the Department of National Defense (DND) as follows: Guard against external and internal threats to national security, promote the welfare of soldiers and veterans, and provide support to socio-economic development;

WHEREAS, under the laws creating the DND there are three (3) Undersecretaries of Defense: for (1) Munitions, as provided by RA 1884, (2) National Defense as provided by EO 292 and (3) Civil Relations, as provided by PD 876 as amended by PD 1895;

WHEREAS, under EO 292 there are seven (7) Assistant Secretaries of Defense: for (1) Plans and Programs, (2) Installation and Logistics, (3) Public Affairs, (4) Strategic Assessment, (5) Comptrollership, (6) Personnel and (7) Legal Service, and two (2) Office Chiefs: for (1) Administrative Services and (2) Information Management.

WHEREAS, in 1992 the Undersecretary for Munitions was replaced by an Undersecretary for Veterans and Reserve Affairs;

WHEREAS, in 1992 two (2) Assistant Secretaries were transformed into Office Chiefs: for Legal Service and Strategic Assessment, while the Assistant Secretary for Public Affairs was transformed into an Office Chief of Legislative Affairs.

WHEREAS, pursuant to DO 170 dated 22 September 2003 and DO 175 dated 24 September 2003 there were five (5) Undersecretaries, (5) Assistant Secretaries and (8) Service Staff;

WHEREAS, during the incumbency of Sec. Avelino J. Cruz, Jr., there were six (6) Undersecretaries, eight (8) Assistant Secretaries and nine (9) Office Chiefs;

WHEREAS, the General Appropriations Act for the period January 1, 2005-December 31, 2005, as reenacted in 2006, Sec. 78 of the General Provisions provides that the appointment of officers and employees shall be limited to the number of authorized positions in the plantilla of personnel approved pursuant to the organization structure provided for in the law creating such department, bureau, office or agency;

NOW THEREFORE I, GLORIA M. ARROYO, President of the Philippines and Acting Secretary of National Defense, by the powers vested in me by law and the Constitution do hereby order:

The Department of National Defense is hereby reorganized as follows:

1. There shall be three (3) Undersecretaries, for (1) National Defense; (2) Civil, Veterans and Reserve Affairs and (3) Legal and Special Concerns. Undersecretary Antonio Santos shall serve as Undersecretary for National Defense. Undersecretary Ernesto Carolina shall serve as Undersecretary for Civil, Veterans and Reserve Affairs. Undersecretary Ricardo Blancaflor shall serve as Undersecretary for Legal and Special Concerns. Undersecretary Ariston delos Reyes shall continue to serve as Presidential Assistant seconded to the DND

and shall handle Internal Affairs. Incoming Presidential Assistant Mateo Mayuga shall be seconded to the DND as Special Assistant for Modernization.

2. There shall be seven (7) Assistant Secretaries: for (1) Plans and Programs, (2) Installation and Logistics, to be handled by Assistant Secretary Robert Emmanuel Feliciano; (3) Public Affairs, to be handled by Office Chief Lamberto Sillona; (4) Strategic Assessment, to be handled by Office Chief Ma. Edna Guevara; (5) Comptrollership, to be handled by Assistant Secretary Roberto Nuqui; (6) Personnel, to be handled by Assistant Secretary Ruben Ciron and (7) Legal Service, to be handled by Office Chief Norman T. Daanoy.
3. There shall be three (3) Office Chiefs: for (1) Administrative Services, to be handled by Office Chief Mac Orendain and (2) Information Management, to be handled by Office Chief Ramon Martinez, Jr. and (3) Defense Intelligence, to be handled by Lieutenant Colonel Lequel Santos of the Armed Forces of the Philippines.
4. The other military officers serving as Office Chiefs shall be assigned back to the Armed Forces of the Philippines.
5. Gladys Cagadoc shall be assigned to the Office of the Undersecretary for Legal and Special Concerns without diminution in rank and compensation.

DONE in Manila on the 12th day of December, in the Year of Our Lord, Two Thousand and Six.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 166

DIRECTING THE NATIONAL HISTORICAL INSTITUTE TO ORGANIZE THE OBSERVANCE
OF THE 110TH ANNIVERSARY OF THE MARTYRDOM OF DR. JOSE RIZAL ON
DECEMBER 30, 2006

WHEREAS, the entire country will be commemorating the 110th Anniversary of the death of our national hero Dr. Jose Rizal come December 30, 2006;

WHEREAS, the observance of this momentous occasion is but appropriate, and the National Historical Institute is the agency best fit to organize activities related thereto.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the power vested in me by law, do hereby direct the National Historical Institute (NHI) to organize the observance of the 110th Anniversary of the Martyrdom of Dr. Jose Rizal on December 30, 2006.

The Department of Budget and Management is hereby authorized to release the amount of ONE MILLION PESOS (P1,000,000.00) chargeable against the President's Contingent Fund for FY 2006 and from other savings to defray the expenses for the Year 2006 activities commemorating the heroic martyrdom of Dr. Rizal.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

DONE in the City of Manila, this 20th day of December, in the year of Our Lord, Two Thousand Six.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 167
REORGANIZING FURTHER THE DEPARTMENT OF NATIONAL DEFENSE

WHEREAS, Executive Order (EO) 292 the Administrative Code of 1987 and EO 112 of 1999 defines the mandate of the Department of National Defense (DND) as follows: Guard against external and internal threats to national security, promote the welfare of soldiers and veterans, and provide support to socio-economic development;

WHEREAS, under the laws creating the DND there are three (3) Undersecretaries of Defense: for (1) Munitions, as provided by RA 1884, (2) National Defense as provided by EO 292 and (3) Civil Relations, as provided by PD 876 as amended by PD 1895;

WHEREAS, EO 292 provides for an indeterminate number of Assistant Secretaries and such other bodies as are provided by law.

WHEREAS, under EO 292 the Executive Staff shall be composed of the (1) Staff for Plans and Programs, (2) Staff for Installation and Logistics, (3) Staff for Public Affairs, (4) Staff for Strategic Assessment, (5) Staff for Comptrollership, (6) Staff for Personnel and (7) the Legal Service; while the Service Staff shall be composed of the (1) Administrative Services and (2) Information Management Staff, and there shall be a Personal Staff as may be determined by the Secretary.

WHEREAS, under EO 292 no member of the armed forces in the active service shall be appointed or designated in any capacity to a civilian position in the Government;

WHEREAS, in 1992 the Undersecretary for Munitions was replaced by an Undersecretary for Veterans and Reserve Affairs;

WHEREAS, the Executive Staff has by practice been headed by Assistant Secretaries;

WHEREAS, in 1992 two (2) Assistant Secretaries were transformed into Office Chiefs: for Legal Service and Strategic Assessment, while the Assistant Secretary for Public Affairs was transformed into an Office Chief for Legislative Affairs.

WHEREAS, pursuant to DO 170 dated 22 September 2003 and DO 175 dated 24 September 2003 there were five (5) Undersecretaries, (5) Assistant Secretaries and (8) Service Staff;

WHEREAS, during the incumbency of Sec. Avelino J. Cruz, Jr., there were six (6) Undersecretaries, eight (8) Assistant Secretaries, and nine (9) Office Chiefs;

WHEREAS, the General Appropriations Act (GAA) for the period January 1, 2005-December 31, 2005, as reenacted in 2006, Sec. 78 of the General Provisions provides that the appointment of officers and employees shall be limited to the number of authorized positions in the plantilla of personnel approved pursuant to the organization structure provided for in the law creating such department, bureau, office or agency;

WHEREAS, Administrative Order (AO) No. 165 dated 12 December, 2006 provided for seven (7) Assistant Secretaries;

WHEREAS, the same GAA provided for five (5) Assistant Secretaries;

NOW THEREFORE I, GLORIA M. ARROYO, President of the Philippines and Acting Secretary of National Defense, by the powers vested in me by law and the Constitution do hereby order:

The DND is hereby reorganized as follows:

1. There shall be three (3) Undersecretaries, for (1) Defense Affairs; (2) Civil, Veterans and Reserve Affairs and (3) Legal Affairs and Special Concerns. Undersecretary Antonio Santos shall serve as Undersecretary for National Defense. Undersecretary Ernesto Carolina shall serve as Undersecretary for Civil, Veterans and Reserve Affairs. Undersecretary Ricardo Blancaflor shall serve as Undersecretary for Legal and Special Concerns. Undersecretary Ariston delos Reyes shall continue to serve as Presidential Assistant seconded to the DND as Undersecretary for Internal Affairs. Incoming Presidential Assistant Mateo Mayuga shall be seconded to the DND as Undersecretary for Armed Forces Modernization Affairs.
2. There shall be five (5) Assistant Secretaries to head five (5) Executive Staff: (1) Plans and Programs, to be headed by Assistant Secretary Robert Emmanuel Feliciano; (2) Installation and Logistics, to be headed in acting capacity by Director Lamberto Sillona; (3) Strategic Assessment, namely Assistant Secretary Ma. Joji Aragon; (4) Comptrollership, namely Assistant Secretary Roberto Nuqui and (5) Personnel, namely Assistant Secretary Ruben Ciron.
3. The Executive Staff for Comptrollership shall handle financial matters.
4. Director Sillona shall be assessed for promotion to Assistant Secretary by the DND Promotions Board, which shall be headed by Undersecretary de los Reyes.
5. There shall be four (4) Directors, to head two (2) Executive Staff and two (2) Office Staff: for (1) Executive Staff for Public and Legislative Affairs, to be headed by Office Chief Rosulo Manlangit; (2) Executive Staff for the Legal Service, to be handled by Office Chief Norman T. Daanoy; (3) Administrative Services Office, headed by Director Director Mac Orendain and (4) Information Management Office, headed by Director Ramon Martinez.
6. Office Chiefs Manlangit and Daanoy shall be assessed for promotion to Director by the Promotions Board.
7. Lt. Col Leoel Santos shall be assigned by the Armed Forces (AFP) Chief of Staff to assist the Secretary in Defense Intelligence. The nature of the assignment shall be similar to that of a Defense Attache.
8. The Internal Audit unit shall be part of the Personal Staff of the Secretary.
9. The appointment or designation of members of the armed forces in the active service as Office Chiefs is hereby nullified.
10. Ma. Edna Guevara is hereby appointed Assistant Director at the Office of the Administrative Service Office, while Gladys Cagadoc is hereby appointed as Assistant Director for the Legal Service, in both cases without diminution in rank and compensation
11. The Undersecretary for Defense Affairs shall assist the Secretary in assisting the Commander-in-Chief regarding AFP affairs. He shall assist the Secretary in supervising the Government Arsenal, the National Defense College of the Philippines, the Staff for Plans and Programs, the Staff for Installation and Logistics and the Staff for Strategic Assessment.
12. The Undersecretary for Civil, Veterans and Reserve Affairs shall assist the Secretary in supervising the Philippine Veterans Administration Office, the Veterans Memorial Medical Center, the Office of Civil Defense and the National Disaster Coordinating

Council, the AFP Retirement Security and Benefits System and the Staff for Public and Legislative Affairs.

13. The Undersecretary for Legal Affairs and Special Concerns shall assist the Secretary in supervising the Legal Service.
14. The Undersecretary for Internal Affairs shall assist the Secretary in supervising the Staff for Comptrollership, the Staff for Personnel, the Administrative Services Office and the Information Management Office.
15. The Undersecretary for Armed Forces Modernization Affairs shall assist the Secretary in implementing the Armed Forces Modernization Law and the Philippine Defense Reform. He shall supervise the DND Bids and Awards Committee.
16. The DND Bids and Awards Committee shall be composed of the following:

Regular members:

Chairman – Assistant Secretary Roberto Nuqui
Vice-Chairman – Assistant Director Gladys Cagadoc
Member – Assistant Director Edna Guevarra
Member – Brigadier General Jerry Jalandoni

Provisional members:

Lt. General Antonio Romero for all Modernization procurement, and
One (1) representative the end user Major Service for the procurement involved.

Observers:

Chairman – Undersecretary Mateo Mayuga
Vice-Chairman – Undersecretary Pedro Cabuay representing the National Security Council
Member – Undersecretary Roberto Tan representing the Department of finance
Member – one (1) representative from the Philippine Chamber of Commerce and Industry
Member – one (1) NGO representative

17. AO 165 is hereby amended accordingly.

DONE in Manila on the 31st day of December, in the Year of Our Lord, Two Thousand and Six.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 168

**AUTHORIZING THE SECRETARY OF INTERIOR AND LOCAL GOVERNMENT TO
EXERCISE THE POWER OF APPOINTMENT TO FILL UP EXISTING VACANCIES IN THE
SANGGUNIANG KABATAAN AT THE BARANGAY LEVEL**

WHEREAS, The President exercises general supervision over local governments pursuant to Article X, Section 4 of the 1987 Constitution; Section 18 of the Administrative Code of 1987; and Section 25 of the Local Government Code;

WHEREAS, the Local Government Code and its implementing rules and regulations is silent with regard to the mode of appointment to fill up existing vacancies in the Sangguniang Kabataan;

WHEREAS, the Supreme Court in the case of *Garvida vs. Sales* (271 SCRA 767) ruled that “*the vacancy shall be filled by the SK members chosen by the incumbent SK members by simple majority from among themselves.*”

WHEREAS, the Supreme Court in the case of *Montesclaros vs. Comelec* (384 SCRA 287) has declared that, “*on July 15, 2002, when the SK elections are held, the hold-over period expires and all incumbent SK officials automatically cease to hold their SK offices and their ex-officio public offices.*”

WHEREAS, with the expiration of term of the SK officials and the lack of a formal mechanism for the appointment of SK officials, the youth in some barangays have no representatives in the barangay councils;

WHEREAS, the President shall exercise such other powers and functions vested in the President which are provided for under the law and which are not specifically enumerated above or which are not delegated by the President in accordance with law. (Section 20, Administrative Code of 1987);

WHEREAS, to strengthen the role of the youth in nation-building, it is imperative that the vacancies in the Sangguniang Kabataan be filled up in accordance with the procedure set in the *Garvida* case and confirmed by an appointment pursuant to Article VII, Section 16 of the Constitution;

WHEREAS, this power to appoint may be exercised directly by the President or through his duly authorized delegate;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the power vested in me by the Constitution and existing law do hereby order:

SECTION 1. The Secretary of Interior and Local Government is hereby authorized to exercise the power of appointment, for and in behalf of the President of the Philippines, for purposes of filling up the vacancies in the Sangguniang Kabataan, provided however that the appointment shall be exercised only in the following instances:

- 1.1 In cases where no set of SK officials were elected in the July 15, 2002 Synchronized Barangay and SK election, due to the fact that nobody filed a certificate of candidacy;
- 1.2 In case where despite the call for a special election to complete the set of SK officials pursuant to Section 435 (c) of the Local Government Code and DILG Memorandum Circular 2002-205 dated December 23, 2002, still nobody filed a certificate of candidacy.

SECTION 2. In the appointment herein mentioned, the following shall be the requisites:

- a. A recommendation of the majority of the members of Katipunan ng Kabataan embodied in a resolution of the duly constituted Katipunan. The duly constituted Katipunan ng Kabataan, per Section 424 of the Local Government Code, as amended, shall refer to the citizens of the Philippines actually residing in the barangay for at least six (6) months, who are fifteen (15) but less than eighteen (18) years of age on the day of the election, and who are duly registered in the list of the sangguniang kabataan or in the official barangay list in the custody of the barangay secretary.
- b. A formal application signifying his interest to be appointed and showing therein that the applicant possesses all the qualification and none of the disqualification provided in the Local Government Code, as amended.

SECTION 3. The appointee shall serve only the unexpired portion of the term of office of the vacant seat;

SECTION 4. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 12th day of January, in the year of Our Lord, Two Thousand Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 169
AMENDING THE IMPLEMENTING GUIDELINES, RULES AND REGULATIONS OF THE
ARMED FORCES OF THE PHILIPPINES MODERNIZATION PROGRAM

Chapter 1.0. GENERAL PROVISIONS

ARTICLE 1.1. General Policies, Guidelines and Objectives

1.1.1. Pursuant to Republic Act (RA) No. 7898, An Act Providing for the Modernization of the Armed Forces of the Philippines (AFP) and for Other Purposes, it is the policy of the State to modernize the AFP to a level where it can effectively and fully perform its constitutional mandate to uphold the sovereignty and preserve the patrimony of the Republic of the Philippines.

1.1.2. Pursuant to RA 7898, the AFP Modernization Program shall have the following objectives:

- (a) To develop the capability of the AFP to uphold the sovereignty and territorial integrity of the Republic and to secure the national territory from all forms of intrusion and encroachment;
- (b) To develop its capability to assist civilian agencies in the preservation of the national patrimony, including the country's living and nonliving marine, submarine, mineral, forest and other natural resources located within its territory and its exclusive economic zone;
- (c) To enhance its capability to fulfill its mandate to protect the Filipino people not only from armed threats but from the ill effects of life-threatening and destructive consequences of natural and man-made disasters and calamities, including typhoons, earthquakes, volcanic eruptions, major accidents in far flung or inaccessible terrain or at sea and from all forms of ecological damage;
- (d) To improve its capability to assist other agencies in the enforcement of domestic and foreign policies as well as international covenants against piracy white slavery, smuggling, drug trafficking, hijacking of aircraft and sea craft and the transport of toxic and other economically harmful substances taking place in or through Philippine territory;
- (e) To enhance its capability in the conduct of Internal Security Operations (ISO), particularly in the suppression of insurgency and other serious threats to national security;
- (f) To enhance its capability to fulfill the country's international commitments; and
- (g) To develop its capability to support national development,

1.1.3. Pursuant to RA 7898, the AFP Modernization Program shall have the following components:

- (a) Force Restructuring and Organization Development;
- (b) Capability, Material, and Technology Development;
- (c) Bases/Support System Development;
- (d) Human Resource Development;
- (e) Doctrines Development

1.1.4. Pursuant to RA 7898, the AFP Modernization Program shall be implemented over a period of fifteen (15) years from 1995. It should therefore, be fully implemented by 2010. However,

payments for amortization of outstanding multi-year contract obligations incurred under the Program may extend beyond this period.

1.1.5. The AFP has two major roles:

- a. Achieving a strategic defeat of the communist armed rebellion by 2010, eradicating the Abu Sayyaff and other terrorist groups, and containing the secessionist movement, and
- b. Serving as the epitome or model for love of country for our people to look up to and emulate. The AFP, as the major institution involved in this three-front war, must have the support of the people. To rally our people behind the AFP, we must project the armed forces as the focal image on love for country and national pride.

1.1.6. The Philippine Defense Reform Program resulting from the Joint Defense Assessment between the Republic of the Philippines and the United States of America shall constitute the core of the AFP Modernization Program.

Art. 1.1. Purpose and Coverage

1.2.1. This Amended Implementing Guidelines, Rules and Regulations (Amended IGRRs) shall govern the implementation of all programs and projects under the AFP Modernization Program and the Philippine Defense Reform Program.

1.2.2. Chapter 8 of these Amended IGRRs governs the AFP Modernization Act Trust Fund.

Art.1.3. Definition of Terms

For purposes of and as used in these Amended IGRRs, the terms hereunder shall be construed as follows:

1.3.1. "AFP" refers to the Armed Forces of the Philippines.

1.3.2. "AFP Modernization Act" refers to RA 7898 which was enacted into law on 23 February 1995.

1.3.3. "AFP Modernization Act Trust Fund" or "AFPMATF" refers to the trust fund created under Section 11 of the AFP Modernization Act

1.3.4. "AFP Modernization Program" or "Program" or "AFPMP" forms part of the Philippine Defense Reform Program, wherein Sec. 15 of RA 7898 provides that "To meet unforeseen national security emergencies, the President, upon recommendation of the National Defense, may modify the program through substitution or revision of a component project therein."

1.3.5. "Amended Implementing Guidelines, Rules and Regulations" or "AIGRRs" refers to the guidelines, rules and regulations prescribed for the Armed Forces Modernization Program.

1.3.6. "Contract Negotiation" is the second stage in the procedure for the acquisition of equipment and weapons systems under the capability, materiel and technology development component of the AFP Modernization Program.

1.3.7. "Department" or "DND" refers to the Department of National Defense.

1.3.8. "Doctrine" refers to the fundamental principles by which the armed forces or elements thereof are guided in their actions in support of national objectives.

1.3.9. "Equipment" refers to all non-expendable items needed to outfit or equip any individual and/or organizations and sub-organizations within the AFP.

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- 1.3.10. “Equipment Acquisition” is the first stage in the procedure for the acquisition of equipment and weapons systems under the capability, materiel and technology development component of the AFP Modernization program.
- 1.3.11. “GA” or “Arsenal” refers to the Government Arsenal, a bureau under the Department created by Republic Act no. 1884, as amended.
- 1.3.12. “Government Guarantee” refers to a statement or declaration by a government guaranteeing that a bidder shall, within the time specified by the Notice of Award, enter into a contract with the Department of National Defense of the Republic of the Philippines and furnish the required security for the faithful performance of its obligations under the contract.
- 1.3.13. A “Major Equipment or Weapons System” refers to one of a limited number of systems or sub-systems, which, for reasons of military urgency, criticality, or resource requirements, is determined by the DND as being vital to the interests of national defense and security.
- 1.3.14. A “manufacturer” refers to an entity which makes, develops, fabricates, assembles, builds or otherwise produces an equipment or weapon system. In case of equipment or weapons systems involving sub-manufacturers, the manufacturer for each part or sub-system shall be required to make the undertaking for the availability of after-sales services and spare parts mentioned in 3.1.1(e) hereunder, in addition to the undertaking of the principal manufacturer.
- 1.3.15. A “Notice of Award” is a formal communication made to the bidder whose bid was determined by competent authorities to be the lowest evaluated responsive bid.
- 1.3.16. “Secretary” or “SND” refers to the Secretary of National Defense.
- 1.3.17. “Upgrade” refers to the improvement, refurbishing, or rehabilitation of existing equipment or weapons system in order to improve its original operational capabilities through the replacement of components or sub-systems with new ones, or the installation of new additional equipment such as missiles, fire control system, and digital electronics.
- 1.3.18. “Weapons system” refers to a combination of one or more weapons with all related equipment, materials, services, personnel, and means of delivery and deployment (if applicable) required for self-sufficiency.

Art.1.4. Applicability of Pertinent Laws

- 1.4.1. RA 9184, An Act Providing for the Modernization, Standardization and Regulation of the Procurement Activities of the Government and for Other Purposes, and its implementing rules and regulations (IRRs) shall cover infrastructure and other construction contracts under the Program.
- 1.4.2. RA 9184 and its IRR shall likewise govern procurement contracts under the capability building, materiel and technology development component of the Program.
- 1.4.3. Contracts for consultancy services under any of the component programs and projects of the AFP Modernization Program shall likewise be governed by existing laws, rules and regulations, particularly RA 9184 and its IRRs.

Chapter 2.0. IMPLEMENTATION OF FORCE RESTRUCTURING AND ORGANIZATIONAL DEVELOPMENT PROGRAM

- Art. 2.1. Pursuant to RA 7898, the AFP Modernization Program shall develop the AFP into a compact, efficient, responsive and modern force with the capability to engage in conventional

and/or unconventional warfare, disaster relief and rescue operations, and contribute to economic development and perform other non-traditional roles.

Art. 2.2. Pursuant to RA 7898, this component of the modernization program shall likewise provide for the identification, organization, training and development of reserve force and affiliated reserve units in the AFP, especially in the Navy and Air Force.

Art. 2.3. The support of the people shall be engaged by enhancing civil-military relations with the end view of increasing our people's sense of patriotism through military service. The reservist and reserve force development program of the AFP, the Reserved Officers' Training Corps (ROTC) and other similar programs shall be reviewed consistent with the doctrine of a citizen's army enshrined in the Constitution.

Art. 2.4. The intelligence community, being the country's first line of defense, must also be organized according to the requirements of the Enhanced National Internal Security Plan to achieve a strategic defeat of the Communist Terrorist Movement by 2010, destroy the Abu Sayyaff and other terrorist groups, and contain the southern Philippines secessionist groups in order to establish a physically and psychologically secure environment conducive to national development.

Chapter 3.0. IMPLEMENTATION OF CAPABILITY, MATERIEL AND TECHNOLOGY DEVELOPMENT PROGRAM

Art. 3.1. Policies and Objectives

3.1.1. Pursuant to RA 7898, the AFP Modernization Program entails the development and employment of certain capabilities needed to address assessed threats. The acquisition of these capabilities shall be governed by the following policies:

- a. Pursuant to RA 7898, the acquisition of air force, navy and army equipment and materiel of such types and quantities shall be made in accordance with the need to develop AFP capabilities pursuant to its modernization objectives.
- b. Pursuant to RA 7898, the acquisition of new equipment and weapons systems shall be synchronized with the phase-out of uneconomical and obsolete major equipment and weapons systems in the AFP inventory.
- c. Pursuant to RA 7898, no major equipment and weapons systems shall be purchased if the same are not being used by the armed forces in the country of origin or used by the armed forces of at least two countries. A later modified version of such equipment or weapons system, or subsystems thereof, provided such modified version is not a prototype, shall be deemed to be the same as the original one for the purpose of this provision and shall qualify for acquisition under the provision of Section 4(b) of RA 7898.
- d. Pursuant to RA 7898, only offers from suppliers who are themselves the manufacturers shall be entertained.
- e. Pursuant to RA 7898, no supply contract shall be entered into unless such contract provides for, in clear and unambiguous terms, an after-sales services and the availability of spare parts.

3.1.2. Pursuant to RA 7898, the AFP Modernization Program shall be geared towards the development of the following defense capabilities:

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- a. Naval defense capability – Given the archipelagic and littoral nature of the Philippines, the Philippine Navy shall develop its capabilities for naval defense, amphibious warfare, sealift and transport, and surface warfare; naval gunfire support, detection and maritime surveillance, search and rescue, disaster response as well as capabilities for anti-air, anti-submarine and mine warfare.
 - b. Air defense capability – The Philippine Air Force, being the country's first line of external defense, shall develop its air defense capability by acquiring multi-role aircraft, air munitions, avionics, point and area defense missile system, maritime patrol and reconnaissance, and early warning and control system, as well as capabilities for strategic and battlefield airlift and limited ground attack in support of surface forces.
 - c. Ground defense capability – The fragmented nature of Philippine land territory requires the Philippine Army to develop its capabilities for ground defense and internal security as well as its capability for assistance to national development, search and rescue operations, relief and rehabilitation, natural resources and environmental protection.
 - d. General headquarters capability – The modernization of the AFP further requires the development of the General Headquarters capabilities for command, control, communications and information systems network.

Art. 3.2. Development of AFP Capability, Materiel and Technology

- 3.2.1. The AFP shall develop its capabilities to effectively carry out its Internal Security Operations (ISO) and External Defense Operations. Its ISO shall address the following mission: to achieve a strategic defeat of the Communist Terrorist Movement by 2010, destroy the Abu Sayyaf and other terrorist groups, and contain the southern Philippines secessionist groups in order to establish a physically and psychologically secure environment conducive to national development. The AFP upgrade shall be directed towards the acquisition of mission essentials, or what is needed to immediately win this three-front war.
 - 3.2.2. The development of the defense capabilities mentioned in item 3.1.2. above shall be undertaken through the acquisition of new equipment and weapons systems from in-country or foreign sources and the upgrading of existing inventories, to include raw materials for the Government Arsenal.
 - 3.2.3. Used equipment or weapons system may be acquired, provided that:
 - a. The used equipment or weapon system meets the desired operational requirements of the AFP;
 - b. It still has at least fifteen (15) years service life, or at least fifty percent (50%) of its service life remaining, or if subjected to a life extension program, is upgradeable to attain its original characteristics or capabilities;
 - c. Its acquisition cost is reasonable compared to the cost of new equipment; and
 - d. The supplier shall ensure the availability of after-sale maintenance support and services.
 - 3.2.4. Lend-lease or lease-purchase arrangements for the acquisition of major equipment or weapons systems may be resorted to if practicable and advantageous cost-wise from the standpoint of operations and maintenance, among other considerations.
 - 3.2.5. Communications and electronic equipment to be acquired shall, as much as possible, have built in communication security features and, if applicable, provisions for upgrade considering the rapid advances in technology.
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- 3.2.6. In contracts worth US One Million Dollars (\$1M) or more involving the acquisition or upgrade of equipment or weapons systems from foreign suppliers, the approval of the Secretary of National Defense is required.
- 3.2.7. For the procurement of defense equipment and weapons systems, sources of funds other than the annual General Appropriations Act shall be explored. In addition, financial strategies shall be devised to address the huge financial outlay required to accommodate implementation of this component of the Program.
- 3.2.8. The operation, maintenance and repair costs of equipment and weapons systems acquired under the AFP Modernization Program shall be included in the annual AFP regular budget proposal.

Art. 3.3. Procurement Procedures Under the Capability, Materiel and Technology Development Component of the Program

- 3.3.1. Pursuant to RA 7898, The DND-AFP shall strengthen its systems and procedures for equipment acquisition, taking into account new requirements under the AFP Modernization Program.
- 3.3.2. Pursuant to RA 7898, contract negotiations and equipment acquisition shall be, treated as two sequential but separate steps, each requiring the separate decision of the Secretary of National Defense.

Art. 3.4. Equipment Acquisition

- 3.4.1. Pursuant to RA 7898, the decision making process for equipment acquisition shall start at the appropriate service command and submitted to the AFP Weapons Systems Board.
- 3.4.2. The respective Project Management Teams of the Major Services shall be responsible for a single procurement project in all its stages, except the Contract Negotiation stage, from identification up to implementation.
- 3.4.3. The Bidding Documents shall be prepared by the AFP following the standard forms and manuals prescribed by the Government Procurement Policy Board created in accordance with the IRR of RA 9184. The bidding documents shall include the following:

- a) Approved Budget for the Contract;
- b) Eligibility Requirements;
- c) Instructions to Bidders, including criteria for eligibility, bid evaluation and post-qualification, as well as the date, time and place of the pre-bid Conference (where applicable), submission of bids and opening of bids;
- d) Terms of Reference (TOR), for consulting services;
- e) Scope of work, where applicable;
- f) Plans and Technical Specifications;
- g) Form of Bid, Bid Price Form, and List of Goods or Bill of Quantities;
- h) Delivery Time or Completion Schedule;
- i) Form, Amount and Validity Period of Bid Security;
- j) Form and Amount of Performance Security and Warranty; and
- k) Form of Contract, and General and Special Conditions of Contract.

- 3.4.4. The AFP Weapons Systems Board shall review and validate the proposed procurement project and bidding documents in accordance with the requirements of the Philippine Defense Reform.
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3.4.5. Upon approval by the Secretary, the Chief of Staff, AFP shall begin the next step of the procurement procedure.

Art. 3.5. Contract Negotiation

3.5.1. Contract negotiations start at general headquarters AFP level.

3.5.2. Pursuant to RA 9184, all contract negotiations shall be done through Competitive Bidding, except as provided for in these Amended Implementing Guidelines, Rules and Regulations (AIGRRs).

3.5.3. Pursuant to RA 9184, the Government Procurement Reform Act, The DND shall have a single Bids and Awards Committee (BAC) for its procurement. The BAC shall have at least five (5) members, but not more than seven (7) members, provided, that the Major Service concerned shall be represented in the BAC.

3.5.4. For contracts worth less than One Million Dollars (\$1M), the Chief of Staff, AFP shall prescribe and designate members of a single full-time BAC. The separate BACs created by the AFP for the Maintenance and Other Operating Expenses of the various end-user units of the AFP shall not deal with modernization procurement.

3.5.5. The composition of the DND and AFP BACs shall comprise the following:

Regular Members:

1. Chairman, at least a third ranking permanent official in the case of DND and in the case of the AFP, at least a Major General;
2. An officer, who is at least a fifth ranking permanent official in the case of the DND and in the case of the AFP, a Colonel (0-6), with knowledge, experience and/or expertise in procurement who, to the extent possible, represents the legal or administrative area of the DND or the AFP as the case may be;
3. An officer, who is at least a fifth ranking permanent official in the case of the DND or in the case of the AFP, a Colonel (0-6), with knowledge, experience and/or expertise in procurement who, to the extent possible, represents the finance area of the DND or the AFP as the case may be;

Provisional Members:

4. An officer who has technical expertise relevant to the procurement at hand, and, to the extent possible, has knowledge, experience and/or expertise in procurement; and
5. A representative from the end user Major Service who has knowledge of procurement laws and procedures.

The Secretary of National Defense shall designate the members of the DND-BAC, including the Chairman and Vice-Chairman. The members of the AFP-BAC, including the Chairman and the Vice-Chairman, shall be designated by the Chief of Staff, AFP. Moreover, the Vice-Chairman shall be a regular member of the BAC.

3.5.6. Observers

3.5.6.1. Pursuant to RA 9184, the BAC shall, in all stages of the procurement process, invite, in addition to the representative of the Commission on Audit, five (5) observers to sit in its proceedings. One (1) shall come from a duly recognized private group in sector or discipline

relevant to the procurement at hand, for example, a specific relevant chamber-member of the Philippine Chamber of Commerce and Industry. Another observer shall come from a non-government organization (NGO). The other three (3) observers shall represent the National Security Council (NSC), which is chaired By the President: a Presidential Assistant seconded to the DND; a Presidential Assistant seconded to the NSC; and an Undersecretary of Finance.

3.5.6.2. The private and NGO observers should be duly registered with the Securities and Exchange Commission, and should meet the following criteria:

1. Knowledge, experience or expertise in procurement or in the subject matter of the contract to be bid;
2. Absence of direct or indirect interest in the contract to be bid out; and
3. Any other criteria that may be determined by the BAC.

3.5.7. Pre-Procurement Conference

Pursuant to RA 9184, prior to the issuance of the Invitation to Bid, the BAC is mandated to hold a pre-procurement conference on each and every procurement.

The pre-procurement conference shall assess the readiness of the procurement in terms of confirming the certification of availability of funds, as well as reviewing all relevant documents in relation to their adherence to law. This shall be attended by the BAC, the unit or officials who prepared the bidding documents and the draft Invitation to Bid, as well as consultants hired by the DND or the AFP as the case may be and the representative of the end-user.

3.5.8. Advertising and Contents of the Invitation to Bid

Pursuant to the IRR of RA 9184, all Invitations to Bid for contracts under competitive bidding shall be advertised by the DND or AFP as the case may be.

The Invitation to Apply for Eligibility and to Bid shall be:

- a) Advertised at least twice within a period of seven (7) calendar days, with a period of six (6) calendar days in between publications, in a newspaper of general nationwide circulation which has been regularly published for at least two (2) years before the date of issue of the advertisement;
- b) Posted continuously in the website of the DND or the AFP as the case may be, if available, as provided in the IRR-A of RA 9184, and the Government Electronic Procurement System during the maximum period of fourteen (14) calendar days stated above; and
- c) Posted at any conspicuous place reserved for this purpose in the premises of the DND or the AFP as the case may be, as certified by the head of the BAC of the DND or the AFP as the case may be.

The Invitation to Bid shall contain, among others:

- (a) A brief description of the subject matter of the Procurement;
- (b) A general statement on the criteria to be used by the DND or AFP as the case may be for eligibility check, the examination and evaluation of Bids, and post-qualification;

- (c) The date, time and place of the deadline for the submission and receipt of the eligibility requirements, the pre-bid conference if any, the submission and receipt of bids, and the opening of bids;
- (d) The Approved Budget for the Contract to be bid;
- (e) The source of funding;
- (f) The period of availability of the bidding documents, and the place where the bidding documents may be secured;
- (g) The contract duration or delivery schedule;
- (h) The name, address, telephone number, facsimile number, e-mail and web site addresses of the DND or AFP as the case may be, as well as its designated contact person; and
- (i) Such other necessary information deemed relevant by the procuring entity.

3.5.9. Pre-Bid Conference

3.5.9.1. Pursuant to RA 9184, at least one pre-bid conference shall be conducted for each procurement.

3.5.9.2. Pursuant to the IRR for RA 9184, the pre-bid conference shall be held at least twelve (12) calendar days before the deadline for receipt of bids to allow prospective bidders to adequately prepare their bids.

3.5.9.3. Requests for clarification(s) on any part of the bidding documents or for an interpretation must be in writing and submitted to the BAC of the DND or AFP as the case may be at least ten (10) calendar days before the deadline set for the submission and receipt of bids. The BAC shall respond to the said request by issuing a Supplemental Bid/Bulletin, duly signed by the BAC chairman, to be made available to all those who have properly secured the bidding documents from the DND or the case may be, at least seven (7) calendar days before the deadline for the submission and receipt of bids.

3.5.10. Receipt and Opening of Bids

3.5.10.1. Eligibility Criteria for the Procurement of Goods:

3.5.10.1.1. Pursuant to Resolution No. 07-2006 of the Government Procurement Policy Board, the prospective bidder must have an experience of having completed within the period specified in the Invitation to Apply for Eligibility and to Bid (IAEB) concerned a single contract that is similar to the contract to be bid, and whose value, adjusted to current prices using the wholesale consumer price index, must be at least fifty percent (50%) of the approved budget for the contract to bid.

However, (a) when failure of bidding has resulted because no single bidder has complied with the said requirement; or (b) imposing the same will likely result to a monopoly that will defeat the purpose of the public bidding, the DND or AFP as the case may be may instead require the following:

- a. The prospective bidder should have completed at least three similar contracts and the aggregate contract amounts should be equivalent to at least fifty percent (50%) of the Approved Budget for the Contract (ABC) to be bid;
- b. The largest of these similar contracts must be equivalent to at least twenty-five percent (25%) of the ABC project to be bid; and
- c. The business/company of the prospective bidder willing to participate in the bidding has been in existence for at least three (3) consecutive years prior to the advertisement and/or posting of the IAEB.

Provided, further, that when the item/good to be procured is novel or its procurement is otherwise unprecedented or is unusual, and compliance to the requirement on a largest single similar contract is impracticable, the prospective bidder will only have to comply with requirement (c) above.

- 3.5.10.1.2. The prospective bidder must present a commitment from a licensed bank to extend to it a credit line if awarded the contract to be bid, or a cash deposit certificate, in an amount not lower than that set by the DND or the AFP as the case may be in the Bidding Documents, which shall be at least equal to ten percent (10%) of the approved budget for the contract to be bid; or must have a Net Financial Contracting Capacity (NFCC) at least equal to the approved budget for the contract to be bid, calculated as follows:

NFCC = [(Current assets minus current liabilities) (K)] minus the value of all outstanding projects, under ongoing contracts, including awarded contracts yet to be started.

Where:

K = 10 for contract duration of one year or less, 15 for a contract duration of more than one year up to two years, and 20 for a contract duration of more than two years.

- 3.5.10.1.3. The involvement of brokers and middlemen is discouraged.

3.5.10.2. Submission and Receipt of Bids

- 3.5.10.2.1. Pursuant to RA 9184, a bid shall have two (2) components, namely the technical and financial components which should be in separate sealed envelopes, and which shall be submitted simultaneously. The Bids shall be received by the, BAC on such date, time and place specified in the invitation to bid.

- 3.5.10.2.2. The deadline for the receipt of bids shall be fixed by the BAC, provided, pursuant to the IRR of RA 9184, that from the last day of the period for advertising and/or posting of the Invitation to Apply for Eligibility and to Bid up to the opening of the bids, a maximum period of thirty (30) calendars days shall be observed.

3.5.10.3. Bid Opening

The BAC shall publicly open all bids at the time, date and place specified in the bidding documents. Pursuant to the IRR of RA 9184, from the last day of the period for advertising and/or posting of the Invitation to Apply for Eligibility and to Bid up to the opening of the bids, a maximum period of thirty (30) calendars days shall be observed.

3.5.11. Bid Evaluation

- 3.5.11.1. Pursuant to RA 9184, prior to Bid evaluation, the BAC shall examine first the technical components of the bids using “pass/fail” criteria to determine whether all required documents are present. Only bids that are determined to contain all the bid requirements of the technical component shall be considered for opening and evaluation of their financial component.

- 3.5.11.2. Pursuant to RA 9184, the Approved Budget for the Contract (ABC) shall be the upper limit or ceiling for the Bid prices. Bid prices that exceed this ceiling shall be disqualified outright from further participating in the bidding. There shall be no lower limit to the amount of the award.

- 3.5.11.3. Pursuant to RA 9184, for the procurement of Goods, the BAC shall evaluate the financial components of the bids. The bids that passed the preliminary examination shall be ranked from
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the lowest to highest in terms of their corresponding calculated prices. The bid with the lowest calculated price shall be referred to as the “Lowest Calculated Bid.” Pursuant to the IRR of RA 9184, this shall be done within seven (7) calendar days from the submission and opening of bids.

3.5.12. Post-Qualification

3.5.12.1. Pursuant to the IRR of RA 9184, within seven (7) days from the determination of Lowest Calculated Bid, the BAC shall conduct and accomplish a post-qualification of the bidder with the Lowest Calculated Bid. Pursuant to RA 9184, this is the stage where the bidder with the Lowest Calculated Bid undergoes verification and validation whether he has passed all the requirements and conditions as specified in the Bidding Documents.

If the bidder with the Lowest Calculated Bid passes all the criteria for post-qualification, his bid shall be considered the Lowest Calculated and Responsive Bid (LCRB). However, if a bidder fails to meet any of the requirements or conditions, he shall be “post-disqualified” and the BAC shall conduct the post-qualification on the bidder with the second Lowest Calculated Bid. If the bidder with the second Lowest Calculated Bid is post-qualified, the same procedure shall be repeated until the LCRB is finally determined.

In all cases, the contract shall be awarded only to the bidder with the LCRB.

3.5.12.2. Pursuant to RA 9184, there shall be a failure of bidding if:

- a) No bids are received;
- b) No bid qualifies as the LCRB;
- c) Whenever the bidder with the LCRB refuses, without justifiable cause to accept the award of contract.

Under any of the above instances, the contract shall be re-advertised and re-bid. The BAC shall observe the same process and set the new periods according to the same rules followed during the first bidding. After the second failed bidding, however, the BAC may resort to negotiated procurement as provided for in RA 9184.

3.5.12.3. Pursuant to RA 9184, single calculated and responsive bid shall be considered for award if it falls under any of the following circumstances:

- a) If after advertisement, only one prospective bidder submits a Letter of Intent and/or applies for eligibility check, and meets the eligibility requirements or criteria, after which it submits a bid, which is found to be responsive to the bidding requirements;
- b) If after the advertisement, more than one prospective bidder applies for eligibility check, but only one bidder meets the eligibility requirements or criteria, after which it submits a bid which is found to be responsive to the bidding requirements; or
- c) If after the eligibility check, more than one bidder meets the eligibility requirements, but only one bidder submits a bid, and its bid is found to be responsive to the bidding requirements.

In all instances, the DND or AFP as the case may be shall ensure that the BAC reflects the most advantageous prevailing price for the government.

3.5.13. Award of the Contract

3.5.13.1. Pursuant to the IRR of RA 9184, within a period not exceeding seven (7) calendar days from the determination and declaration by the BAC of the LCRB, and the recommendation of the award, the Secretary, DND or Chief of Staff, AFP as the case may be or his/her duly authorized, representative shall approve or disapprove the said recommendation. In the case of approval, the SND or Chief of Staff, AFP or his/her duly authorized representative shall immediately issue the Notice of Award to the bidder with the LCRB.

Within ten (10) calendar days from receipt of the Notice of Award, the winning bidder shall formally enter into contract with the DND or AFP as the case may be.

The DND or AFP as the case may be shall issue the Notice to Proceed to the winning bidder not later than three (3) calendar days from the date of approval of the contract by SND or Chief, AFP as the case may be.

3.5.13.2. Pursuant to the IRR of RA 9184, the procurement process from the opening of bids up to the issuance of the Notice to Proceed shall not exceed fifty (50) days.

If no action on the contract is taken by the SND or Chief of Staff, AFP as the case may be, or by his/her duly authorized representative, within the periods specified in the preceding paragraphs, the contract concerned shall be deemed approved.

3.5.13.3. Pursuant to RA 9174, the SND or Chief of Staff, AFP reserves the right to reject any and all Bids, declare a failure of bidding, or not award the contract in any of the following situations:

- a) If there is prima facie evidence of collusion between the appropriate public officers or employees of the DND or AFP as the case may be, or between the BAC and any of the bidders, or if the collusion is between or among the bidders themselves, or between a bidder and a third party;
- b) If the BAC is found to have failed in following the prescribed bidding procedures; or
- c) For any justifiable and reasonable ground where the award of the contract will not redound to the benefit of the government as defined in the IRR-A of RA 9184.

3.5.14. Alternative Methods of Procurement

3.5.14.1. Subject to the prior approval of the SND, and whenever justified by the conditions provided in RA 9184, the DND or AFP as the case may be may, in order to promote economy and efficiency, resort to any of the following alternative methods of Procurement:

- a) Single Source Procurement;
- b) Repeat Order; or
- c) Negotiated Procurement, under the following extraordinary circumstances provided for in these AIGRRs.

3.5.14.2. Negotiated Procurement shall be allowed only in the following instances:

- (a) In cases of two (2) failed biddings, as provided in RA 9184; or,
 - (b) When the procurement involves major defense equipment for use by the AFP and the SND has determined that the interests of the country shall be protected by negotiating directly
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with an agency or instrumentality of another country with which the Philippines has entered into a defense cooperation agreement or otherwise maintains diplomatic relations: Provided, however, That the performance by the supplier of its obligations under the procurement contract shall be covered by a foreign government guarantee of the source country covering one hundred percent (100%) of the contract price.

In both instances, the DND or AFP as the case may be shall ensure that the most advantageous price for the government is obtained.

3.6. Self-Reliant Defense Posture Program

- 3.6.1. Pursuant to RA 7898, the AFP, as a self-reliance policy shall, as far as practicable, give preference to Filipino contractors and suppliers or foreign contractors or suppliers willing to locate a substantial portion or, if not the entire, production process of the item(s) involved, within the Philippines.
- 3.6.2. In order to reduce foreign exchange outflow, generate local employment opportunities, and enhance technology transfer to the Philippines, the SND shall, as far as feasible, incorporate in each contract/agreement special foreign exchange reduction schemes such as counter-trade, in-country manufacture, co-production, or other innovative arrangements or combinations thereof.
- 3.6.3. The AFP shall likewise ensure that in negotiation all applicable contracts or agreements, provisions are incorporated respecting the transfer to the AFP of the principal technology involved as well as the training of AFP personnel to operate and maintain such equipment or technology.

Chapter 4.0. IMPLEMENTATION OF BASES/SUPPORT SYSTEMS DEVELOPMENT PROGRAM

Art. 4.1. Policies

Pursuant to RA 7898, The AFP Modernization Program shall entail the development of permanent bases for land, air, and naval forces to conform with national defense strategies and the government's socioeconomic thrusts; provide a systematic relocation of AFP units and personnel; provide training grounds for maneuver and territorial forces as well as the reserve components and develop bases and camps along standard criteria for space allocations, zoning and efficient correlation of land areas and structure.

Chapter 5. IMPLEMENTATION OF HUMAN RESOURCES DEVELOPMENT PROGRAM

Art. 5.1. Objectives

Pursuant to RA 7898, the Human Resource Development (HRD) component of the AFP Modernization Program shall have the following objectives:

- a. To strengthen the patriotic spirit and nationalist consciousness of the military, and respect for people's rights in the performance of their duty;

- b. To develop and transform the AFP into an external security-force that can secure the Republic against international terrorism, and an internal security-force that can achieve the following mission: to achieve a strategic defeat of the Communist Terrorist Movement by 2010, destroy the Abu Sayaff and other terrorist groups, and contain the southern Philippines secessionist groups in order to establish a physically and psychologically secure environment conducive to national development;
- c. To develop a compact, effective, efficient, and responsible citizen-based force;
- d. To implement programs that will enable the AFP to perform its role in environment/resource protection and multi-national peacekeeping operations;
- e. To convert the AFP into a service/people-oriented and professionally united force;
- f. To improve the quality of life of soldiers and their families and reorient values of all personnel in the AFP; and
- g. Doctrines development.

Art. 5.2. Development of the AFP Human Resources

The AFP HRD program shall conform to the objectives of the modernization program: (a) force restructuring and organization development; (b) capability, materiel, and technology development; and (c) bases/support system development.

Chapter 6.0. IMPLEMENTATION OF DOCTRINES DEVELOPMENT PROGRAM

Art. 6.1. Policy

Pursuant to RA 7898, The DND and the AFP shall generate, evaluate, consolidate and formalize doctrines; conduct periodic review and validation thereof through field application, experience, testing and exercises; and disseminate and inculcate approved doctrines at all levels of command.

The AFP shall evolve a strategy to realize a war of rapid conclusion to address armed rebellion, with the National Security Council, which is chaired by the President, providing policy direction and management of the war against communist insurgency, southern secessionism and terrorism. This strategy shall be called the Enhanced National Internal Security Plan.

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Art. 6.2. Development of AFP Doctrines

- 6.2.1. The Department of National Defense and the General Headquarters, AFP shall be responsible for the generation, evaluation, consolidation and formalization of doctrines; the conduct of periodic review and validation of doctrines through field application, testing and exercises; and the dissemination of approved doctrines at all levels of command.
 - 6.2.2. The external security mission of the AFP, i.e., to secure the Republic from international terrorism, and its internal security mission, i.e., to achieve a strategic defeat of the Communist Terrorist Movement by 2010, destroy the Abu Sayaff and other terrorist groups, and contain the southern Philippines secessionist groups in order to establish a physically and psychologically secure environment conducive to national development, shall be the strategic framework for the formulation of doctrines.
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Chapter 7.0. MODERNIZATION OF THE GOVERNMENT ARSENAL (GA)**Art. 7.1. Policies**

The modernization of the government arsenal, for the development of production capabilities to enhance self-reliance and sufficiency in defense requirements, shall be part of the AFP Modernization program. The government arsenal shall be effectively utilized in the production of basic weapons, ammunition and other munitions for the use of the AFP and the Philippine National Police (PNP), and for the domestic sale and export of products in excess of AFP/PNP requirements. The government arsenal may use such production facilities as it may own or be provided with or as it may arrange under joint venture, co-production or similar arrangements with local and foreign entities.

**Chapter 8.0. ADMINISTRATION OF THE ARMED FORCES OF THE PHILIPPINES
MODERNIZATION ACT TRUST FUND (AFPMA TF)****Art. 8.1. Purpose**

This Chapter governs the administration of the AFP Modernization Act Trust Fund (RA 7898), created under Section 11 of the AFP Modernization Act, and updates DND Department Circular 01 dated 06 March 2000.

Art. 8.2. General Guidelines

8.2.1. Pursuant to RA 7898, The AFPMATF which shall be used exclusively for the AFP Modernization Program, but not to include salaries and allowances, shall be funded out of the following:

- (a) Appropriations for the AFP Modernization Program;
- (b) Proceeds from the sale, lease or joint development of military reservation as may be authorized by Congress, include such immovable and other facilities as may be found therein, not covered by the Bases Conversion Development Authority, as provided for in RA 7227;
- (c) Shares of the AFP from the proceeds of the sale of military camps provided for under RA 7227;
- (d) Proceeds from the sale of the products of the government arsenal;
- (e) The proceeds from the disposal of excess and/or uneconomically repairable equipment and other movable assets of the AFP and the government arsenal;
- (f) Funds from budgetary surplus, if any, as may authorized by Congress subject to the provisions of RA 7227; and
- (g) All interest income of the trust fund.

8.2.2. Pursuant to RA 7227, the Secretary of National Defense shall administer the trust fund in accordance with existing government auditing rules and regulations.

8.2.3. Pursuant to RA 7227, the Secretary of National Defense may, subject to provisions of existing laws and regulations including those of the Commission on Audit and under such terms and conditions most favorable to the government, enter into multi-year contracts, lease and lease-purchase agreements.

Chapter 9.0. MANAGEMENT OF THE AFP MODERNIZATION PROGRAM

Art. 9.1. The Secretary is the administrator of the AFP Modernization Program and shall exercise his/her functions through the Chief of Staff, AFP, unless otherwise indicated in these AIGRRs.

Art. 9.2. A Presidential Assistant seconded to the DND shall assist the President in administering the AFP Modernization Program.

Art. 9.3. Reportorial Requirements. Pursuant to RA 7898, The Chief of Staff, AFP shall submit to the President and Congress, through the Secretary of National Defense, an annual report containing the progress of the implementation of the AFP Modernization Program.

Chapter 10.0. MODIFICATION OF THE AFP MODERNIZATION PROGRAM

To meet any unforeseen national security emergency, the Secretary shall recommend to the President the modification of the AFP Modernization Program through substitution and/or revision of any component project therein.

Chapter 11.0. FINAL PROVISIONS

Art. 11.1. Separability Clause

If any provision of these Amendatory Implementing Guidelines, Rules and Regulations should be declared invalid by a competent court or tribunal, the remaining provisions hereof, unaffected thereby, shall remain valid and binding.

Art. 11.2. Repealing Clause

All orders, circulars, memoranda and other department issuances inconsistent with this Department Circular are hereby repealed or modified accordingly.

Art. 11.3. Effectivity. This Administrative Order shall take effect fifteen (15) days from publication.
JAN 30 2007

(Sgd.) **GLORIA M. ARROYO**
President and Acting Secretary of National Defense

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 170
ESTABLISHING WORKING ARRANGEMENTS FOR THE EFFECTIVE OPERATION OF THE
PHILIPPINE GOVERNMENT PORTAL, DELINEATING THE RESPONSIBILITIES OF SPECIFIC
GOVERNMENT AGENCIES RELATIVE THERETO, AND FOR OTHER PURPOSES

WHEREAS, the State recognizes the vital role of information and communication in nation-building;

WHEREAS, Section 2 of Republic Act (RA) No. 8792 provides that the State recognizes the need to create an information-friendly environment which supports and ensures the availability, diversity and affordability of information and communications technology (ICT) products and services, including but not limited to government services;

WHEREAS, the Philippine government online portal was established to facilitate citizen and client access to online government information and services;

WHEREAS, the effective operation of the government portal is dependent on the active and sustained participation of all government agencies; and,

WHEREAS, ensuring the active and sustained participation of all government agencies in the successful operation of the government portal requires general directions and policies;

NOW THEREFORE I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order:

Section 1. General Supervision and Management of Portal Operations. The Office of the Executive Secretary (OES) shall exercise general oversight functions over the operations of the government portal. Pursuant to this task, the OES shall promulgate the following policies for the efficient and effective operation of the portal:

- 1.1 Portal Content and Content Quality Policy
- 1.2 Level of Service Policy
- 1.3 Operations Policy

The OES shall also take measures to ensure compliance to these policies. The Presidential Management Staff (PMS) is hereby directed to provide technical support to the OES in the tasks of policy formulation and ensuring compliance thereto.

Section 2. Responsibilities of Government Agencies relative to Portal Operations. Following are the specific responsibilities of relevant government agencies for the effective operation of the government portal.

- 2.1 **Office of the Press Secretary (OPS)** – shall be the agency (thru its Internet Unit) primarily responsible for direct supervision and maintenance of the government web portal; to specify and implement the design, look and feel, and revisions of the portal as an effective and timely communications tool as well as to provide the informational content,

ensuring that the contents therewith are consistent with relevant policies and principles promulgated by the OES. Through the Presidential News Desk (PND) or in coordination with the information officers of the different government agencies, the OPS shall be responsible for providing timely news updates that shall be provided by the Philippine Information Agency (PIA). The OPS shall also be responsible for answering queries received through the portal, the intended recipient of which queries are not identified.

2.2 **Commission on Information and Communications Technology (CICT)** – shall be the agency responsible for the portal’s network and security management. The CICT shall also be responsible for the management of accounts of users of the portal.

2.3 **Philippine Information Agency (PIA)** – shall be the agency responsible for ensuring that the site’s overall appearance reflects the values and aspirations of the Philippine government, based on relevant policies set by the OES. The PIA may engage the services of private organizations to pursue this task effectively. The PIA shall also act as the official cyber-librarian of the government portal.

2.4 **Other government agencies** – shall be responsible for providing content, subject to the editing and approval of the OPS. These agencies shall be responsible for answering online queries received through the portal which are addressed to them or falling within the purview of their respective mandates.

Section 3. Separability Clause. The provisions of this Order are hereby deemed separable. If any provision thereof be declared invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions which shall remain in full force and effect.

Section 4. Repealing Clause. All orders, issuances, or parts thereof, which are inconsistent with this Administrative Order, are hereby repealed or modified accordingly.

Section 5. Effectivity. This Administrative Order takes effect immediately.

DONE, this 29th day of December, in the year of our Lord, two thousand and six.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2006). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 171
CREATING THE PRESIDENTIAL TASK FORCE ON CLIMATE CHANGE

WHEREAS, the Intergovernmental Panel on Climate Change (IPCC) of the United Nations has released its fourth assessment report on climate change, prepared by 2,500 experts from 150 countries;

WHEREAS, the report indicated that global temperature will continue to rise towards the year 2100, and in the short-term, will rise by about 1.4-5.8 degrees centigrade, leading to an increase in the sea level from 18 to 59 centimeters by 2100;

WHEREAS, the IPCC findings indicated, that with ninety-percent (90%) certainty, the rise in temperatures had been “very likely” caused by human activity and due to increases in the release in the atmosphere of greenhouse gasses: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride;

WHEREAS, climate change poses serious threats to the lives and welfare of the people, especially the poor households, and sustainable development of the country due to the attendant rise in sea levels, frequency and intensity of extreme weather events and drought, and the resulting flooding, disruptions in food production, water resources availability and quality, increase in natural hazards and landslides, threats to human health, and damages to the ecosystems;

WHEREAS, the Philippines signed the United Nations Framework Convention on Climate Change (UNFCCC) on June 12, 1992 and ratified it on August 2, 1994, and signed the Kyoto Protocol on April 15, 1998 and ratified it on November 22, 2003;

WHEREAS, the Philippines, being an archipelagic country and located in the typhoon belt, is highly vulnerable to the adverse effects resulting from climate changes and has been experiencing unusual number of high-intensity typhoons that have wrought devastations and anguished to our people;

WHEREAS, there is an urgent need to confront the issue of climate change and decisively address its adverse effects on the people and on the production sectors pursuant to the constitutional mandate for the state to protect and advance the right of the Filipino people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Creation of the Presidential Task Force. – There is hereby created a Presidential Task Force on Climate Change (PTFCC, hereinafter), to act with resolve and urgency in addressing the issue of climate change, mitigate its impact and adapt to its effects.

Section 2. Composition. – The PTFCC shall be composed of the Secretary of Environment and Natural Resources as Chair, with the Secretaries of Energy, Science and Technology, Agriculture, and Interior and Local Government, with two (2) representatives from the private sector/civil society as members.

The representatives from the private sector/Civil Society shall be appointed by the President, upon the recommendation of the PTFCC Chairman.

Section 3. Mandate and Functions. – The Task Force shall have the following functions:

1. Conduct rapid assessment on the impact of climate change to the Philippine setting, especially on the most vulnerable sectors/areas, like water, agriculture, coastal areas, as well as on the terrestrial and marine ecosystems, among others.
2. Ensure strict compliance to air emission standards and act with urgency to combat deforestation and environmental degradation as well as apprehend violators.
3. Undertake/initiate strategic approaches and measures to prevent or reduce greenhouse gas emissions in the Philippines, including fuel efficiency, energy conservation, use of renewable energy, waste management, etc.
4. Conduct a massive and comprehensive public information and awareness campaign nationwide to educate the public on the climate change situation and its adverse effects, and mobilize multi-sectoral actions on climate change.
5. Design concrete risk reduction and mitigation measures and adaptation responses, especially to address short-term vulnerabilities, on sectors and areas where climate change will have the greatest impact.
6. Collaborate with international partners at the bilateral, regional and multilateral levels to support a global front to stabilize greenhouse gas emissions and institute mitigating and adaptive measures, especially for developing countries.
7. Cause the integration and mainstreaming of climate risk management into the development policies, plans and programs of government.
8. Perform such other functions as may be directed by the President.

Section 4. Secretariat and Technical Support. – The Department of Environment and Natural Resources (DENR) shall provide secretariat support to the PTFCC. The Inter-Agency Committee on Climate Change, created by Administrative Order No. 220 dated May 8, 1991, and composed of the DENR as Chairman, Department of Science and Technology (DOST) as Co-Chairman, Department of Foreign Affairs (DFA), Environmental Management Bureau (EMB), National Mapping and Resources Information Authority (NAMRIA), and Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAG-ASA) shall act as the technical arm of the PTFCC.

Section 5. Agency Assistance. – All departments, agencies, offices or instrumentalities, including government-owned or controlled corporations, are hereby directed to provide support, assistance and resources to the PTFCC in the discharge of its functions.

Section 6. Budgetary Support. – The Department of Budget and Management (DBM) is hereby directed to provide the funds necessary for the effective operation of the PTFCC and implementation of necessary actions to address climate change.

Section 7. Reporting. – The PTFCC is hereby directed to submit to the Office of the President (OP) an Action Plan to implement its mandate within forty-five (45) days from the issuance of this Order. Thereafter, the PTFCC shall guide, coordinate and monitor the implementation of the Action Plan and submit regular status report to the OP.

Section 8. Separability. – Any portion or provision of this Administrative Order that maybe declared unconstitutional shall not have the effect of nullifying its other portions or provisions, as long as such remaining portions can still be given effect.

Section 9. Repeal. – All administrative orders, rules and regulations and other issuances or parts thereof, which are inconsistent with this Administrative Order, are hereby revoked, amended, or modified accordingly.

Section 10. Effectivity. – This Administrative Order shall take effect fifteen (15) days after its publication in a national newspaper of general circulation.

DONE in the City of Manila, this 20th day of February, in the year of Our Lord, Two Thousand and Seven.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 171-A
AMENDING ADMINISTRATIVE ORDER NO. 171, SERIES OF 2007

WHEREAS, Administrative Order No. 171, dated February 20, 2007 created the Presidential Task Force on Climate Change (PTFCC);

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines by virtue of the powers vested in me by law, do hereby amend Administration Order No. 171, dated February 20, 2007, as follows:

Section 1. Section 2 is hereby amended, to read as follows:

“Section 2. *Composition.* – The PTFCC shall be composed, of the Secretary of Energy as Chair, the Secretary of Environment and Natural Resources as Vice-Chair, with, the Secretaries of Science and Technology, Agriculture, Interior and Local Government, and Education, the Chairman of the Commission on Higher Education with two (2) representatives from the private sector/civil society as members.

The representatives from the private sector/civil society shall be appointed, by the President.”

Section 2. Section 6 is hereby amended to read as follows:

“Section 6. *Budgetary Support.* – The PTFCC shall source its budget from unprogrammed funds of the DOE, and/or as may be recommended and/or approved by the Department of Budget and Management (DEM). Starting budgetary year 2008, its operating budget shall be incorporated in the budgetary allocation of the DOE.”

Section 3. *Repeal.* – All administrative orders, rules and regulations and other issuances or parts thereof, which are inconsistent with Administrative Order, are hereby revoked, amended, or modified accordingly.

Section 4. *Effectivity.* – This Administrative Order shall take effect fifteen (15) days alter its publication in a national newspaper of general circulation.

DONE, in the City of Manila, this 15th day of August, in the year of Our Lord, Two Thousand and Seven.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 172
CREATING THE NATIONAL COMMITTEE ON SOCIAL INTEGRATION (NCSI), PROVIDING
FUNDS THEREOF AND FOR OTHER PURPOSES

WHEREAS, the Government pursues a comprehensive peace process agenda that calls for a principled negotiated settlement with all armed rebel groups under the Rule of Law and in accordance with the Constitutional processes;

WHEREAS, social integration, which is the process involving the management of forces, arms and ammunitions of former rebels and their transition to civilian life, is considered an integral part of the peace process and post-conflict security reform, and as essential confidence-building and peace building measure;

WHEREAS, social integration requires the convergence of efforts between and among non-government agencies (NGAs), local government units (LGUs) and other stakeholders;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Sec. 1. Creation. There is hereby created the National Committee on Social Integration (NCSI) under the Office of the Presidential Adviser on the Peace Process (OPAPP) to implement the Social Integration Program (SIP) for rebel groups.

Sec. 2. Functions. NCSI shall have the following functions and responsibilities:

- a. To provide over-all policy direction, as well as to manage, coordinate, monitor and evaluate the implementation of the SIP, including the amnesty program;
- b. To update the policy framework and guidelines as appropriate or as the need arises;
- c. To tap funding/donor agencies, both domestic and international, for technical assistance and financial support for the SIP;

Sec. 3. Composition. NCSI shall be headed by an Undersecretary of OPAPP, and shall be composed of representatives of the following government departments/agencies as members;

- a. Office of the National Security Adviser
- b. Department of National Defense
- c. Department of the Interior and Local Government
- d. Department of Justice
- e. Department of Social Welfare and Development; and
- f. Department of Foreign Affairs

Sec. 4. Administration and Institutional Cooperation. The OPAPP shall serve as secretariat to provide technical and administrative support to the NCSI. NCSI shall call upon other government agencies to provide the necessary support to the Program and in the fulfillment of its mandate.

Sec. 5. Policy and Operational Framework. The attached Policy and Operational Framework which shall govern the Program is hereby adopted. It may be updated by the NCSI in view of the constantly evolving nature of the program.

Sec. 6. Funding. The Office of the President, through OPAPP, shall provide the funds for the operations of NCSI.

Sec. 7. Effectivity. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 23rd day of March, in the year of Our Lord, Two Thousand and Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Reference: Social Integration Program for Former Rebels: Policy and Operational Framework

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 173

DIRECTING THE INDEPENDENT COMMISSION CREATED UNDER ADMINISTRATIVE ORDER NO. 157 TO CONDUCT FURTHER FACT-FINDING INVESTIGATION TO OBTAIN A FULLER PICTURE OF THE EXTRAJUDICIAL KILLINGS REFERRED TO IN ITS PRELIMINARY REPORT

WHEREAS, an independent commission was created by the President under Administrative Order No. 157 dated 21 August 2006 for the purpose of investigating the spate of media and activist killings and thereafter recommend policies that will eradicate the root causes of the extrajudicial killings and break the cycle of violence;

WHEREAS, pursuant to its mandate, the independent commission released and submitted to the President a preliminary report dated 22 January 2007 identifying certain groups or interests as possibly responsible for the extrajudicial killings of media personnel and activists;

WHEREAS, the independent commission needs to conduct further investigation for it to craft the appropriate policy recommendations in consonance with its mandate under Administrative Order No. 157 dated 21 August 2006;

NOW, THEREFORE, I GLORIA M. ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby direct the Independent Commission created under Administrative Order No. 157 dated 21 August 2006 to conduct further fact-finding inquiry or investigation into the root entities of the extrajudicial killings and submit a final report detailing its policy recommendations that will break the cycle of violence and prevent its recurrence.

This Administrative Order shall take effect immediately.

Done in the City of Manila this 23rd day of March, in the year of our Lord, Two Thousand and Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 174
CREATING AN INTER-AGENCY TASK FORCE TO ASSESS AND RESOLVE LAND DISPUTES IN
NORTH COTABATO AND ADDRESS SIMILAR ISSUES IN CONFLICT-PRONE AREAS

WHEREAS, armed clashes between the AFP/PNP forces and the BIAF-MILF elements occurred in Barangays Mudseng and Rangeban, Midsayap, North Cotabato from January 25-27, 2007 affecting a total of 732 families with 2,479 dependents in seven (7) barangays;

WHEREAS, the armed encounters have been successfully resolved through the intervention of the GRP and the MILF ceasefire committees, the International Monitoring Team (IMT), and the stakeholders in the area;

WHEREAS, based on the fact-finding mission conducted by the Joint Coordinating Committee on the Cessation of Hostilities (JCCCH) and the International Monitoring Team (IMT), the armed encounter originated between the Civilian Volunteers Organization/Bantay Bayan and the local MILF which later on escalated into hostilities involving the AFP and the BIAF-MILF;

WHEREAS, the armed encounters between the CVOs (a.k.a. Bantay Bayan) and the local MILF stemmed from a land conflict at Sitio Taboboc, Barangay Rangeban between traditional Moro residents and non-resident claimants, compounded by land disputes among Moro residents in the area;

WHEREAS, there is an urgent need to look into the issue of land disputes being the root cause of armed clashes and in triggering hostilities in conflict areas;

WHEREAS, the JCCCH recommends the issuance of an administrative order creating an Interagency Task Force to resolve land disputes in the area and conduct an inventory of similar issues in conflict-prone areas in order to avoid the possible occurrence of localized armed skirmishes in the future;

NOW, THEREFORE, I, GLORIA MACAPAGAL ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. *Creation and Mandate* – There is hereby created an Interagency Task Force to address land disputes in North Cotabato and in similar areas, as well as conduct an inventory of such issues in conflict-prone areas relative to armed hostilities stemming from land conflict.

Section 2. *Composition* – The Task Force shall initially be composed of the following:

- a) Department of Agriculture;
- b) Department of Agrarian Reform;
- c) Department of Environment and Natural Resources;
- d) Joint Coordinating Committee on the Cessation of Hostilities (GRP and MILF CCCH);
- e) International Monitoring Team; and
- f) Local Government Unit of Kidapawan

Membership of the Task Force may include other agencies and/or groups as may be deemed necessary in the course of the inquiry, assessment and resolution of identified land disputes/issues.

Section 3. *Duties and Functions* – The Task Force shall have, among others, the following duties and functions:

1. Assess the issue of land in triggering full blown armed conflicts in North Cotabato and similar issues in conflict-prone areas;
2. Recommend appropriate action including policy recommendations aimed at resolving the issue of land disputes/conflicts as being the root cause of armed hostilities;
3. Coordinate with appropriate agencies in the delivery of necessary interventions in addressing land disputes/issues that are determined as the triggering factors or root causes of armed hostilities.

Section 4. The Task Force shall prioritize the resolution of land disputes that complicate, trigger and cause armed clashes and incidents of violence which spill over into full blown armed encounters.

Section 5. *Support* – The various departments, bureaus, offices, agencies or instrumentalities including government-owned or controlled corporations are hereby directed to extend assistance and cooperation to the Task Force in accomplishing its mandate.

Section 6. *Effectivity* – This Administrative Order shall take effect immediately.

Done in the City of Manila, this 27th day of March, in the year of our Lord, Two Thousand and Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2007). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 175
STRENGTHENING THE POWERS OF THE SECRETARY OF JUSTICE OVER
THE BUREAU OF IMMIGRATION

WHEREAS, the Bureau of Immigration performs a major role in the protection of the state against aliens who threaten national security, public health, public safety and national interest;

WHEREAS, Section 17, Article VI of the Constitution and Section 1, Chapter 1, Title I, Book III of Executive Order No. 292, series of 1987, otherwise known as the “Administrative Code of 1987”, provide that the President shall have control of all executive departments, bureaus and offices and shall ensure that the laws are faithfully executed;

WHEREAS, under Administrative Order No. 142, series of 1994, limited functions to act on immigration matters were transferred to the Secretary of Justice or his duly authorized representative;

WHEREAS, Section 8, Chapter 3, Title I, Book III of the Administrative Code of 1987 provides that the President shall the power to deport aliens, subject to the requirements of due process;

WHEREAS, the Secretary of Justice acts as an alter ego of the President and bears the latter’s implied or assumed approval, unless actually disapproved by the President;

WHEREAS, the Bureau of Immigration is under the control and supervision of the Department of Justice pursuant to Administrative Code of 1987;

WHEREAS, there is a need to strengthen the Department of Justice in its role of ensuring that the Bureau of Immigration would be a more effective and highly responsive organization to carry out necessary police measures of the government;

WHEREAS, the President has continuing authority to transfer any function under the Office of the President to any other department or agency, in accordance with Presidential Decree No. 1416, as amended by Presidential Decree No. 1772, and the Administrative Code of 1987;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, and the Constitution, do hereby order the following:

SECTION 1. *Transfer of Functions.* – The Secretary of Justice or his duly authorized representative shall have the power to act on immigration matters, including waiver of visas and admission of aliens, and to countermand decisions of the Board of Commissioners of the Bureau of Immigration under Section 10, Chapter 3, Title I, Book III of Executive Order No. 292, series of 1987.

SEC. 2. *Strengthened Authority.* – The Secretary of Justice shall have the power to transfer, detail, assign or reassign officials and personnel, including presidential appointees, of the Bureau of Immigration, notwithstanding the specific designation, group assignment, office or station stated in their respective appointments, as the best interest of the service may require, in accordance with the existing organizational set-up of the Bureau; Provided, that such transfer, detail, assignment or reassignment shall not affect the tenure of office of the concerned officials nor result in the change of status, demotion in rank and/or deduction in salary, and shall be made only in accordance with the civil service laws, rules and regulations.

SEC. 3. *Implementing Rules and Regulations.* – The Secretary of Justice shall issue the Implementing Rules and Regulations covering this Administration Order.

SEC. 4. *Repealing Clause.* – The provisions of Administrative Order No. 142, series of 1994, and all executive orders, administrative orders, proclamations, rules and regulations or parts thereof that are inconsistent with this Order are hereby repealed or modified accordingly.

SEC. 5. *Effectivity.* – This Administrative Order shall take effect fifteen (15) days following its publication in a national newspaper of general circulation.

DONE in the City of Manila, this 2nd day of April, in the year of our Lord, Two Thousand and Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 176
CREATION OF AN INTER-AGENCY TASK FORCE FOR THE CONDONATION OF AGRARIAN REFORM LAND AMORTIZATION LIABILITIES AND FOR OTHER PURPOSES

WHEREAS, Article XIII, Section 4 of the 1987 Constitution mandates the State to undertake, by law, an agrarian reform program founded on the right of farmers and regular farmworkers who are landless to own directly or collectively the lands they till or, in the case of other farmworkers, to receive a just share of the fruits thereof;

WHEREAS, Republic Act. No. (RA) 6557, otherwise known as the Comprehensive Land Reform Law of 1988, was enacted to institute the Comprehensive Agrarian Reform Program (CARP) to promote social justice and move the nation toward sound rural development and industrialization;

WHEREAS, Section 26 of RA 6557 provides that lands awarded through CARP shall be paid for by the beneficiaries of the Land Bank of the Philippines in thirty (30) annual amortizations at six percent (6%) per annum;

WHEREAS, there is a need to review the possibility of condoning outstanding land amortization liabilities of agrarian reform beneficiaries (ARBs);

NOW THEREFORE I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Creation of the Inter-Agency Task Force. – An Inter-Agency Task Force is hereby created to review the possibility of condoning outstanding land amortization liabilities of ARBs:

Chairman : Secretary of Agrarian Reform

Secretary of Justice

Members : Secretary of Finance

Representative from the Land Bank of the Philippines

Representative from the Agrarian Reform Beneficiaries Association

The Department of Agrarian Reform shall serve as Secretariat for the Inter-Agency Task Force.

SECTION 2. Functions of the Inter-Agency Task Force. – The Inter-Agency Task Force shall perform the following functions:

- a. Evaluate and recommend reforms in the existing agrarian reform models; and
- b. Evaluate the proposed condonation of outstanding amortization liabilities of ARBs to effect genuine land redistribution.

The Inter-Agency Task Force shall submit to the President a report on the foregoing concerns within One Hundred Twenty (120) days from the effectivity of this order.

SECTION 3. Inter-Agency Coordination. – All national government agencies concerned and attached agencies, local government units, government-owned and controlled corporations and other

instrumentalities of the government are hereby directed to cooperate and give their full support to the Inter-Agency Task Force.

SECTION 4. Repealing Claus. – All issuances, rules and regulations or parts thereof which are inconsistent with this Administrative Order are hereby repealed or modified accordingly.

SECTION 5. Effectivity. – This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 11th day of May, in the year of Our Lord, Two Thousand and Seven.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 177
CREATING A NATIONAL ORGANIZING COMMITTEE FOR THE CONDUCT OF THE
PHILIPPINE PARTICIPATION IN EXPO 2008 ZARAGOZA, SPAIN

WHEREAS, the Philippine Government, in its drive to enhance further the promotion of the Philippines, and sustain its presence, in the global market, has committed to participate at the International Exposition Zaragoza, Spain to be held from 14 June to 14 September 2008;

WHEREAS, the Philippine participation in Expo Zaragoza 2008 provides an excellent opportunity for the Philippines to present itself and create awareness about its natural and cultural heritage, its history and people, its business/investment potentials to a wide audience across the world;

WHEREAS, the relevance of the Expo Zaragoza 2008 theme: “Water & Sustainable Development” to the Philippines as an Archipelagic State will bolster the country’s strong foothold as the world’s number one dive site and the center of marine biodiversity in the world;

WHEREAS, in addition to the trade and tourism benefits and the goodwill that will be generated from participating in Expo Zaragoza 2008, it will likewise provide valuable insights and new learning opportunities on the recent trends, best practices and innovative concepts on water technology that will be beneficial in improving our policy and development framework on water and sustainable development;

WHEREAS, there is a need to create a National Organizing Committee with the Department of Tourism (DOT) as the lead implementing agency for the conduct of the Philippine participation in Expo Zaragoza 2008;

NOW, THEREFORE, I, GLORIA MACAPAGAL ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. *National Organizing Committee (NOC)* – A National Organizing Committee (NOC) for the Philippine participation at Expo Zaragoza 2008 is hereby created with the Department of Tourism (DOT) as the Lead Implementing Agency. The NOC shall be comprised of the following:

Chairman and Commissioner General:

Secretary of Tourism

Vice-Chairman:

Secretary of Foreign Affairs

Members:

Executive Secretary, Office of the President

Secretary of Trade and Industry

Secretary of Science and Technology

Secretary of Environment and Natural Resources

Secretary of Agriculture

Secretary of Budget and Management

Secretary of Health

Chairperson, National Commission for Culture and the Arts
Director General, Philippine Information Agency
General Manager, Philippine Tourism Authority
Chairman, Philippine Amusement and Gaming Corporation
Private Sector Representatives

In the event of unavailability of the above-mentioned members, they may designate their representatives with full authority to commit and decide on behalf of their agency to represent them during meetings of the Committee.

Section 2. *Functions of the National Organizing Committee* –

1. Formulate directives for the planning, operation and management of the Philippine Pavilion at Expo Zaragoza 2008 to ensure efficient implementation of all activities;
2. Ensure that the economic advantages of the Philippine presentation in Expo Zaragoza 2008 are maximized through concerted and cost effective country approach;
3. Select an appropriate theme, concept and message of the Philippine participation in line with the over-all theme of Expo Zaragoza 2008;
4. Provide guidelines to ensure the safety and protection of government properties, exhibit materials, needed to complete the Philippine presentation in Expo Zaragoza 2008;
5. Determine the scale of Philippine participation: the appropriate Pavilion name, exhibition image and plan, facade plan, operational plan, entertainment plan, sales and merchandising plan and the promotions plan;
6. Call on any Department, Bureau or Office of the Government including Government Owned and Controlled Corporations for any assistance that may be necessary to carry out the purpose of this Administrative Order;
7. Undertake all other measures for the successful participation of the Philippines at Expo Zaragoza 2008.

Section 3. *Expo Secretary-General* – The National Organizing Committee, through the Commissioner-General, shall designate an official of DOT or PCVC, to act as Expo Secretary-General for the Philippine participation in Expo Zaragoza 2008. He shall act as the contact person for the Expo Zaragoza 2008 Organizers, attend all activities that will be required by Expo organizers and, perform such functions that will be necessary to ensure the successful participation of the Philippines at Expo Zaragoza 2008 in accordance with the rules and regulations of the Bureau of International Exposition (BIE).

Section 4. *Secretariat* – The Commissioner-General thru the Secretary-General shall form a Secretariat that shall undertake the day-to-day operation and over-all preparations for the Philippine participation in Expo Zaragoza 2008.

Personnel of the Secretariat shall be sourced from various units within the DOT and PCVC. Said personnel shall be provided with honoraria or allowances at rates consistent with those prescribed by law.

Section 5. *Funding* – Funds necessary for the Philippine participation in Expo Zaragoza 2008 shall come from the following sources:

Allocation from the Department of Tourism (DOT) in the amount of TWENTY MILLION PESOS (P20M);

Allocation from the Philippine Tourism Authority (PTA) in the amount of TWENTY MILLION PESOS (P20M);

Allocation from the Department of Trade and Industry (DTI) in the amount of TEN MILLION PESOS (P10M);

Allocation from the Department of Foreign Affairs (DFA) in the amount of TEN MILLION PESOS (P10M);

Allocation from the Department of Environment and Natural Resources (DENR) in the amount of FIVE MILLION PESOS (P5M);

Allocation from the Department of Science and Technology (DOST) in the amount of ONE MILLION PESOS (P1M);

Allocation from the Philippine Amusement and Gaming Corporation (PAGCOR) in the amount of TEN MILLION PESOS (P10M);

Proceeds from commercial activities at the Philippine Pavilion.

The financial subsidy to be given by the various members of the National Organizing Committee shall be recorded in their books as subsidy to National Government Agencies. The Receipt of Subsidy shall be recorded by the lead implementing agency as subsidy income. The lead agency shall then issue the corresponding official receipt to acknowledge financial assistance.

All funds to be solicited for this purpose shall be placed in a separate bank account that will be opened by the NOC Secretariat as authorized by the Secretary of Tourism, with account name: Expo Zaragoza 2008. A separate book of accounts shall be maintained by the NOC for this project.

Any savings to be realized and any income to be generated from sales of the souvenir shop, royalties from restaurants, sales from pavilion exhibitries, furniture, furnishings and other donations from other sources at the closing of the exposition, will be held in trust by the NOC and remitted to the Department of Tourism and to be utilized as mobilization fund for the Philippine Participation in the upcoming World Expo 2010 in Shanghai, China.

Any equipment acquired by the NOC and undisposed shall be turned over to the Department of Tourism at the end of the event for use in future projects.

Section 6. *Submission of Terminal Reports* – The NOC, through the Commissioner-General, shall submit a terminal report within sixty (60) days after the closing of Expo Zaragoza 2008.

Section 7. *Cessation of the Committee* – The Committee shall cease to exist sixty (60) days after submission of its terminal report as provided in Section 6 hereof, unless otherwise ordered by the President.

Section 8. *Effectivity* – This Administrative Order shall take effect immediately.

Done in the City of Manila, this 25th day of May, in the year of our Lord, Two Thousand and Seven.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 178

DIRECTING THE SECRETARY OF TOURISM TO LEAD THE ORGANIZATION AND IMPLEMENTATION OF THE ACTIVITIES AND PROGRAMS IN CELEBRATION OF THE 109TH ANNIVERSARY OF THE PROCLAMATION OF PHILIPPINE INDEPENDENCE ON JUNE 12, 2007

WHEREAS, the heroism, patriotism and nationalism of our forebears in the struggle for independence deserve to be commemorated;

WHEREAS, the 109th anniversary of the proclamation of the Philippine Independence is the ideal occasion for all freedom-loving Filipinos to unite and rally behind the government and the country's institutions;

WHEREAS, the proper planning, implementation and coordination of all programs and activities leading to the celebration are urgently needed;

NOW, THEREFORE, I, GLORIA MACAPAGAL ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. The Secretary of Tourism is hereby directed to take the lead role in the planning, coordination, implementation and conduct of programs and activities in celebration of the 2007 Independence Day.

Sec. 2. The Department of Tourism, being the lead agency of this national event, shall immediately convene an inter-agency organizing task force to plan and implement effectively all programs, projects and activities related to this event.

Sec. 3. The inter-agency task force shall be composed of the Secretary of Tourism as Chair, with the Executive Director of the National Historical Institute and the Secretary of Education as Vice-Chairs. Other members of the inter-agency task force shall be designated by the Chair.

Sec. 4. All departments, bureaus, offices, national government agencies and local government units and government owned and controlled corporations are hereby enjoined to give full support, assistance, and cooperation to the Secretary of Tourism in the exercise of his responsibilities under this Administrative Order.

Sec. 5. All branches of-government are enjoined to participate actively in the 2007 Independence as well as to enlist the participation of private sector groups and non-government organizations so that the 109th Philippine Independence Day celebration will be a show of unity and strength during these challenging times. Local government units, together with private sector groups, non-government organizations and the Philippine Embassies abroad, are likewise enjoined to celebrate the 109th Anniversary of Philippine Independence in their respective localities and offices.

Sec. 6. The programs and events for the 2007 Independence Day Celebration shall include, to the extent appropriate, the following:

- a. **Pambansang Araw ng Watawat** (Philippine National Flag Day) on May 28, 2007 as the kick-off ceremony for the 2007 Independence Day celebration;

- b. **Flag-Raising and Wreath-Laying Ceremonies** at the Rizal National Monument, Rizal Park, Manila, on June 12, 2007 at around 7:00 a.m. This activity will be particularly replicated in the places of national significance such as the Barasoain Church Historical Landmark, Malolos City, Bulacan; Aguinaldo Shrine, Kawit, Cavite; Mausoleo de los Veteranos dela Revolucion, Manila North Cemetery; Bonifacio National Monument, Caloocan City; and, Pinaglabanan Memorial Shrine, San Juan, Metro Manila. All other cities and municipalities around the country are enjoined to hold simultaneous similar activities on the same day and time;
- c. The **Philippine Independence Day Parade** at the Quirino Grandstand on June 12, 2007 shall be meaningful and relevant to the theme of the celebration, to be followed by a special cultural program on the same venue.

Sec. 7. The Department of Budget and Management is hereby authorized to release the amount of Five Million Pesos (PhP5,000,000.00), chargeable against the built-in appropriation of the National Historical Institute for FY 2007 pursuant to the approved General Appropriations Act of 2007 to defray the expenses for the activities commemorating the 109th Anniversary of the Proclamation of Philippine Independence.

Sec. 8. In support of the 109th Philippine Independence Day celebration, all concerned agencies and local government units are, subject to budgetary laws and issuances, authorized to allocate such amounts as may be necessary to defray expenses for the said event.

Done in the City of Manila, this 28th day of May, in the year of our Lord, Two Thousand and Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 179
REVOKING ADMINISTRATIVE ORDER NO. 175, DATED 02 APRIL 2007, ENTITLED
“STRENGTHENING THE POWERS OF THE SECRETARY OF JUSTICE OVER THE
BUREAU OF IMMIGRATION”

I, **GLORIA MACAPAGAL-ARROYO**, President of the Republic of the Philippines, by virtue of the powers vested in me by law, and the Constitution, do hereby order the revocation and repeal of Administrative Order No. 175, dated 02 April 2007, entitled “STRENGTHENING THE POWERS OF THE SECRETARY OF JUSTICE OVER THE BUREAU OF IMMIGRATION”.

This Administrative Order shall take effect immediately following its publication in a national newspaper of general circulation.

DONE, in the City of Manila, this 27th day of JUNE, in the year of our Lord, Two Thousand and Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 180
PRESCRIBING GUIDELINES TO FILL TEMPORARY VACANCIES IN LOCAL
ELECTIVE OFFICES IN CERTAIN AREAS TO PREVENT PARALYZATION OF LOCAL
GOVERNMENT OPERATIONS

WHEREAS, the term of office of local elective officials elected during the May 10, 2004 elections will expire at noon of June 30, 2007;

WHEREAS, some local elective offices will become temporarily vacant in the event that by noon of June 30, 2007, the Commission on Elections will not proclaim the winning candidates in the May 14, 2007 elections for these local elective offices or declare a failure of elections in some local government units;

WHEREAS, these temporary vacancies in local elective offices will disrupt the delivery of basic services and may paralyze local government operations in said areas, yet neither the existing election laws nor the Local Government Code of 1991 provide guidelines for filling said temporary vacancies;

WHEREAS, in order to avoid the disruption of the delivery of basic services and the paralysis of local government operations in said areas, there is an urgent need for the President to exercise her constitutional powers of appointment and general supervision over local government units;

WHEREAS, similar threats of disruption of the delivery of basic services and paralysis of local government operations after the May 8, 1995, May 11, 1998, May 14, 2001 and May 10, 2004 elections were remedied by filling temporary vacancies in local elective offices in accordance with Memorandum Circular No. 123 dated June 30, 1995, Administrative Order No. 2 dated July 6, 1998, Administrative Order No. 12 dated June 29, 2001, and Administrative Order No. 100 dated June 24, 2004, respectively.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution and law, hereby promulgate the following guidelines:

SECTION 1. *Non-Proclamation or Declaration of Failure of Election.* – In the event that the Commission on Elections has not proclaimed by noon of June 30, 2007 the winning candidates for all the local elective offices of a local government unit (LGU) or has declared a failure of election in said LGU, the President may designate Officers-In-Charge (OICs) for the offices of the governor, vice-governor, mayor, vice-mayor and the members of the *sangguniang panlalawigan, sangguniang panlungsod and sangguniang bayan*; Provided, that the OIC must possess all the qualifications and none of the disqualifications prescribed for the corresponding elective office.

SECTION 2. *Partial Proclamation.* – In the event that the Commission on Elections has proclaimed by noon of June 30, 2007 some, but not all, of the winning candidates for the local elective offices of an LGU, the vacant local elective offices in said LGU shall be filled in accordance with the rule on automatic succession as provided under Chapter 2, Title II, Book I of the Local Government Code of 1991.

SECTION 3. *LGU's Within ARMM.* – (a) In the event that the Commission on Elections has not proclaimed by noon of June 30, 2007 the winning candidates for all the local elective offices of an LGU within the Autonomous Region of Muslim Mindanao (ARMM), the ARMM Regional Governor shall designate OIC's for the Offices of the governor, vice-governor, mayor, vice-mayor, and the members of the *sangguniang panlalawigan, sangguniang panlungsod and sangguniang bayan* in accordance with Section 1, Muslim Mindanao Autonomy Act No. 40, amending Section 41, ARMM Local Government Code.

(b) In the event that the COMELEC has proclaimed by noon of June 30, 2007 some, but not all, of the winning candidates for the local elective offices of an LGU within the ARMM, the vacant local elective offices in said LGU shall be filled in accordance with the rule on automatic succession as provided under Section 41, Chapter 2, Title II, Book I of the ARMM Local Government Code.

SECTION 4. *General Guidelines* – (a) The OIC shall hold office until the Commission on Elections shall have proclaimed the winning candidate for the local elective office and until such winning candidate shall have qualified.

(b) The OIC in the office of the local chief executive shall perform all the regular duties and responsibilities of such office as provided by law, except the following:

1. Appointment of local government officials and employees; *Provided*, that he may temporarily designate OICs to the existing offices of the provincial/city/municipal administrator and the provincial/city/municipal legal officer, where the terms of the incumbents shall expire, as provided by law, at noon of June 30, 2007; *Provided further*, that the temporary designation of such OICs shall be coterminous with that of the OIC designated by the President to the office of the local chief executive;
2. Suspension or dismissal of local government officials and employees;
3. Creation and filling of positions whether regular, contractual or casual;
4. Reorganization of local government offices;
5. Solemnization of marriages;
6. Revision of duly approved local development plans; and
7. Approval of contracts other than those needed to keep the day-to-day operations going.

(c) The OICs shall act with the highest degree of integrity, impartiality and fairness at all times.

SECTION 5. *Effectivity.* – This Administrative Order shall take effect immediately.

Done in the City of Manila, this 29th day of June, in the year of Our Lord, Two Thousand and Seven.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 181

**DIRECTING THE COOPERATION AND COORDINATION BETWEEN THE NATIONAL
PROSECUTION SERVICE AND OTHER CONCERNED AGENCIES OF GOVERNMENT
FOR THE SUCCESSFUL INVESTIGATION AND PROSECUTION OF POLITICAL AND
MEDIA KILLINGS**

WHEREAS, Article II, Section 11 of the Constitution declares that the State values the dignity of every human person and guarantees full respect for human rights;

WHEREAS, the Medium-Term Philippine Development Plan recognizes that peace and order and respect for human rights are essential ingredients to maintaining economic development, social order and political stability;

WHEREAS, the effective prosecution of human rights violators is vital to the protection of human rights;

WHEREAS, killings of political activists and members of media are human rights violations, and finding a definitive solution to these killings is of the utmost priority for this Administration;

WHEREAS, to ensure that these killings are effectively investigated and successfully prosecuted, there is a need for the law enforcement and prosecution arms of the government to cooperate and coordinate during all phases of the criminal proceedings;

WHEREAS, responding to the request of the Melo Commission and the Executive Department, the Supreme Court has promptly created special courts to hear and try cases involving the killings of political activists and members of the media;

WHEREAS, a common working definition of political and media killings among Executive and Judiciary Departments would greatly contribute to the successful investigation, prosecution and pursuit of justice regarding these human rights and criminal violations;

WHEREAS, the Supreme Court in its Administrative Order 25-2007 has specified that “In determining whether the crime is a ‘political killing’ the following factors, among others, shall be considered: (1) political affiliation of the victim; (2) method of attack; and (3) reports that state agents are involved in the commission of the crime or have acquiesced in them.”

WHEREAS, the Philippine National Police has defined “media killings”, for the purposes of investigation in particular by Task Force Usig, as killings of present members of broadcast and print media/newsmen which were perpetrated by reason of the victim’s nature of work or related thereto.

NOW, THEREFORE, I GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me under the Constitution and existing laws, do hereby order:

SECTION 1. Cooperation and Coordination. –

- a. In order to ensure the prompt, efficient and successful investigation and prosecution of cases involving political and media killings which fall under the jurisdiction of the special courts created by Supreme Court Administrative Order 25-2007, the National

Prosecution Service of the Department of Justice is hereby directed to work closely with the Philippine National Police and the National Bureau of Investigation from the beginning of a criminal investigation until the termination of cases in court.

- b. The Philippine National Police and the National Bureau of Investigation are hereby directed to cooperate with the National Prosecution Service of the Department of Justice by, among other things, consulting with public prosecutors at all stages of the criminal investigation.
- c. They are further directed to cooperate with the National Prosecution Service of the Department of Justice at all stages of the investigation and prosecution by ensuring among other things, that their personnel are available to testify, gather or submit additional evidence when required by the public prosecutor.

SECTION 2. Continuity. –

- a. The National Prosecution Service of the Department of Justice shall assign, to the fullest extent possible, a public prosecutor at the start of a criminal investigation who shall assist or handle a case involving a political or media killing throughout the criminal proceedings, except in the conduct of the preliminary investigation thereof.
- b. The preliminary investigation shall be conducted by a separate and different prosecutor from the prosecutor who, pursuant to the preceding paragraph, is assigned to assist or handle the case through most of the criminal proceedings.

SECTION 3. Funding. – The funding requirements for the implementation of this Administrative Order shall be taken from such available sources as may be identified by the Department of Budget and Management.

SECTION 4. Repealing Clause. – All executive issuances, orders, rules and regulations or parts thereof inconsistent with the provisions of this Administrative Order are hereby repealed, amended or modified accordingly.

SECTION 5. Implementing Rules and Regulations. – In consultation with other concerned government agencies, the Secretary of the Department of Justice and the Secretary of the Department of the Interior and Local Government are hereby directed to jointly formulate and issue the corresponding Implementing Rules and Regulations (IRR) necessary for carrying out this Administrative Order, provided, however, that the promulgation of the IRR does not suspend or affect the effectivity of this Order.

SECTION 6. Separability Clause. – If any section or provision of this Administrative Order, or part hereof, is held invalid or unconstitutional, the remainder of this Administrative Order not otherwise affected shall remain valid and subsisting.

SECTION 7. Effectivity. – This Administrative Order shall take effect immediately.

DONE, in the City of Manila, this 3rd day of July, in the year of Our Lord Two Thousand Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 182

DESIGNATING THE DEPARTMENT OF TRADE AND INDUSTRY AS THE LEAD AGENCY TO ORGANIZE AND CARRY OUT THE SCHEDULED ACTIVITIES RELATIVE TO THE PHILIPPINE HOSTING OF THE 39TH MEETING OF THE ASEAN ECONOMIC MINISTERS (39TH AEM) OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN) AND ITS RELATED MEETINGS

WHEREAS, to carry out the ASEAN Leaders directive towards attaining the ASEAN vision of a single ASEAN community by 2015, in particular, the realization of the ASEAN Economic Community, and on the basis of ASEAN practice on rotation of chairmanship, the Philippines will take on the Chairmanship at the 39th AEM in August 2007;

WHEREAS, in order to enable the Department of Trade and Industry to carry out and implement its obligations in hosting the 39th AEM and other related meetings in August 2007, there is a need to organize and create a Steering Committee, which will coordinate with other line agencies of the national and local government units.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, by virtue of the powers vested in me by law do hereby order:

SECTION 1. Lead Agency – The Department of Trade and Industry (DTI) shall be the lead agency to organize and implement activities related to the hosting of the 39th AEM and its related meetings.

SECTION 2. Agency Support – The DTI shall coordinate with various agencies such as the Department of Foreign Affairs (DFA), Department of Tourism (DOT), Department of Public Works and Highways (DPWH), Philippine National Police (PNP), Department of the Interior and Local Government (DILG), Bureau of Customs (BOC), Bureau of Immigration (BI), Metro Manila Development Authority (MMDA), Department of Budget and Management (DBM), Department of National Defense (DND), Department of Health (DOH), Office of the Press Secretary (OPS), Philippine Information Agency (PIA), various Cities of Manila, other Local Government Units throughout the country, and the private sector, to obtain technical, financial and administrative support for the Philippine hosting of the 39th AEM and its related meetings.

SECTION 3. Tasks and Functions – The DTI shall perform the following tasks and functions:

1. Formulate and recommend a work program and budget plan for the hosting of the 39th AEM and its related meetings;
2. Coordinate the logistics and substantive arrangements for the 39th AEM and its related meetings;
3. Organize regular meetings of created Task Forces/Committees to provide updates on the progress of activities to be undertaken;
4. Call upon any official, agent, employee, agency or instrumentality of the national or local government for any assistance that may be necessary to ensure the success of the Philippine hosting; and,

5. Subject to existing laws, rules and regulations, enter into agreements and contracts necessary for the attainment of the objectives of this Administrative Order, including contracts for services.

SECTION 4. All departments, bureaus, offices, national and local government units are hereby enjoined to give full support, assistance and cooperation to the DTI Secretary or his designated representatives in the exercise of his responsibilities enumerated in this Administrative Order.

SECTION 5. The funding requirements for the preparation and hosting of the 39th AEM shall be sourced from the Contingency Fund of this Office and/or from the International Commitment Fund Savings, in the amount of Fifty Three Million Five Hundred Thousand Pesos (P53,500,000.00)

SECTION 6. Effectivity. This Administrative Order shall take effect immediately.

Done in the City of Manila, Philippines, this 3rd day of July, in the Year of Our Lord, Two Thousand and Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 183
DIRECTING THE USE OF ENERGY EFFICIENT LIGHTING/LIGHTING SYSTEMS (EELs) IN
GOVERNMENT FACILITIES (*PALIT-ILAW PROGRAM*)

WHEREAS, under Section 2 of R.A. No. 7638, otherwise known as the “Department of Energy Act of 1992”, it is declared the policy of the State to ensure a continuous, adequate, reliable, and economic supply of energy through, among others, the judicious conservation, renewal and efficient utilization of energy, to keep pace with the country’s growth and economic development and to rationalize, integrate, and coordinate the various programs of the Government towards self-sufficiency and enhanced productivity in power energy without sacrificing ecological concerns;

WHEREAS, the conservation and efficient utilization of energy is one of the major strategies of the Government to realize energy self-sufficiency and reduce environmental impacts of energy generation and utilization as instituted in the Philippine Energy Plan (PEP) and the National Energy Efficiency and Conservation Program (NEECP);

WHEREAS, Administrative Order Nos. 103, 110 and 126 mandate a ten per cent (10%) reduction in energy consumption in all government offices, including the designation of an Energy Conservation Officer;

WHEREAS, the use of energy efficient lighting systems (EELs), through the *Palit-Ilaw* Program, aims to promote lighting efficiency considering that lighting is used by all government facilities and EELs are the easiest to install/retrofit among other energy efficient equipment and fixtures;

WHEREAS, the adoption of EELs as a standard lighting system in government facilities will contribute to the realization of energy savings as well as pollution prevention and overall environmental improvement.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the adoption of energy efficient lighting/lighting systems in government.

SECTION 1. Mandatory Use of EELs. All departments, bureaus, offices, agencies and instrumentalities of the Philippine Government, including National Government Agencies, State Universities and Colleges, Government Owned and Controlled Corporations, Government Financial Institutions, and other Government Entities are hereby mandated to use EELs in all buildings and facilities, as well as in all projects financed by the Government, such as housing and school building projects.

- 1.1 The Energy Conservation Officer (ECO) of each government entity/agency shall, within one month from the effectivity of this Administrative Order, formulate a phased-in lighting replacement program in their respective existing facilities to be submitted to the DOE; unless the concerned government entity/agency already uses EELs in which case it shall submit a compliance report to the DOE. The phased-

in lighting replacement program shall be implemented within one year from the effectivity of this Administrative Order.

SEC. 2. Cooperating Agencies. The Department of Energy (DOE), through the Energy Utilization Management Bureau (EUMB), shall take the lead in implementing this Administrative Order and shall take appropriate measures and necessary actions to ensure compliance with the same. The DOE shall be supported by the following government agencies and other agencies as may later be identified:

- 2.1 The Department of Trade and Industry (DTI) shall provide complementary policies and activities to ensure that lighting products meet the specifications under the Philippine National Standards (PNS) as well as applicable Minimum Energy Performance Standards (MEPS) for consumer protection.
- 2.2 The Department of Budget and Management (DBM) shall facilitate the approval of necessary funds for the implementation of this Administrative Order and, through the Government Policy and Procurement Board (GPPB) and Procurement Services, allow only energy efficient lighting products for government procurement, with exceptions provided for under the Guidelines for Energy Conserving Design of Buildings.
- 2.3 The Department of Environment and Natural Resources (DENR), through the Environmental Management Bureau (EMB), shall promulgate/implement policies consistent with proper lamp waste management.
- 2.4 The Department of Public Works and Highways (DPWH) shall integrate the use of EELs in planning and development for government buildings/facilities and other infrastructure development projects.
- 2.5 The Department of the Interior and Local Government (DILG), pursuant to its general supervision over the local government units (LGUs), shall strongly encourage the LGUs to contribute to the objective of this Administrative Order by using EELs in their facilities.
- 2.6 The Philippine Information Agency (PIA) shall include energy efficiency and conservation in lighting in its media campaigns.

SEC. 3. Implementation. The DOE is hereby authorized to issue additional implementing rules and regulations (IRR) from time to time, as may be necessary, to implement this Administrative Order.

SEC. 4. Use of Savings. Savings generated from the use of EELs may be utilized as follows in accordance with Administrative Order No. 110 as amended by Administrative Order No. 110-A and its IRR:

- 4.1 For Government entities that failed to attain the required minimum ten percent (10%) savings, the use of its savings shall be limited to only fifty percent (50%) of its accumulated savings in electricity consumption (in kWh) or petroleum products (in liters);
- 4.2 For government entities that have attained ten percent (10%) savings or more may be allowed to use one hundred percent (100%) of its accumulated savings in electricity consumption (in kWh) or petroleum products (in liters); and
- 4.3 Upon verification and recommendation of EUMB, part of the generated savings can be utilized to finance improvements in energy efficiency.

SEC. 5. Failure to follow the directives of this Administrative Order within 30 days from effectivity thereof shall subject concerned officials to administrative sanctions pursuant to existing laws, rules and regulations.

SEC. 6. **Repealing Clause.** All orders, circulars, rules and regulations and other issuances or parts thereof which are inconsistent with the provisions of this Administrative Order are hereby amended, modified or repealed accordingly.

SEC. 7. **Effectivity.** This Administrative Order shall take effect immediately upon publication in a newspaper of general circulation.

Done in the City of Manila, this 9th day of July, in the Year of our Lord, Two Thousand and Seven.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 184
DISSOLVING THE INTER-AGENCY ROAD SAFETY COMMITTEE AND TRANSFERRING
ALL ITS POWERS AND FUNCTIONS TO THE DEPARTMENT OF TRANSPORTATIONS
AND COMMUNICATIONS

WHEREAS, on May 30, 1991, Administrative Order No. 222 was issued by the President of the Philippines entitled “Providing for the Creation of the Inter-Agency Road Safety Committee and Other Purposes”;

WHEREAS, on April 20, 1997, Administrative Order No. 329 was issued by the President of the Philippines entitled “Amending Administrative Order No. 222 Dated 30 May 1991 Creating the Inter-Agency Road Safety Committee;

WHEREAS, the promotion of travel safety and the prevention of road accidents in the country is a primary concern of the government;

WHEREAS, there is a need to streamline the coordination and review and enforcement of current measures on road safety;

WHEREAS, formulating policies, programs and plans to further improve road safety will be more expeditious if such activities are carried out by one body only;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of powers vested in me by law, do hereby order:

SECTION 1. The Inter-Agency Road Safety Committee created by Administrative Order No. 222 on May 30, 1991, further amended by Administrative Order No. 329 on April 20, 1997, and constituting the Secretary of the Department of Transportations and Communications as Chairman, the Secretary of the Department of Public Works and Highways as Vice Chairman, the Secretary of the Interior and Local Government as Co-Vice Chairman and the Director of the National Economic and Development Authority, the Secretary of the Department of Education, the Secretary of the Department of Health, the President of the Safety Organization of the Philippines, Inc. and President of the Philippine Motor Association as Members, is hereby dissolved.

SECTION 2. All the powers and functions of the Inter-Agency Road Safety Committee shall forthwith be transferred to the Department of Transportations and Communications.

SECTION 3. The Inter-Agency Road Safety Committee shall render its final report to the Secretary of the Department of Transportations and Communications within seven (7) days from the date of this Administrative Order.

SECTION 4. All reports, records of proceedings and all documents of any kind whatsoever received, issued or collected by the Inter-Agency Road Safety Committee shall forthwith be transferred to the office of the Secretary of the Department of Transportations and Communications.

SECTION 5. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 11th of July, in the year of our Lord, two thousand and seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE NO. 185
CREATING AN INVESTOR PROTECTION TASK FORCE

Section 1. There is hereby created an Investors Protection Task Force (IPTF) to monitor investment schemes, including real estate projects, especially those marketed to the public and Overseas Filipino Workers.

Section 2. The IPTF shall be headed by the Department of Finance, with the following as members:

Securities and Exchange Commission
Department of Trade and Industry
National Bureau of Investigation
Department of Labor and Employment
House and Land Use Regulatory Board

Section 3. The IPTF shall consult with the Department of Justice (DOJ). However, prosecutors must keep the standard distance from investigators.

Section 4. The IPTF shall undertake the following activities:

1. Monitor investment schemes and products;
2. Give public warnings on questionable schemes and products;
3. File evidence and recommend prosecution to the DOJ; and
4. Recommend appropriate legislation and regulations for investor protection.

DONE in City of Manila on the 24th Day of July, in the year of our Lord Two Thousand and Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 186

DIRECTING THE CITY ASSESSOR, MUNICIPAL ASSESSOR AND PROVINCIAL ASSESSOR TO
ANNOTATE IN ALL TAX DECLARATIONS THE SERIAL NUMBER OF THE CERTIFICATE
AUTHORIZING REGISTRATION ISSUED BY THE BUREAU OF INTERNAL REVENUE

WHEREAS, tax collection is always among the top priority measures of the State;

WHEREAS, tax collection in the transfer of real property, due to brisk turnover, is an important source of funding for the government;

WHEREAS, prior to registering any deed and securing a Tax Declaration for registered and unregistered real properties, the Tax Reform Act of 1997 requires the payment of transfer taxes with the Bureau of Internal Revenue (BIR), and tax clearance is manifested by a Certificate Authorizing Registration with a unique serial number;

WHEREAS, Memorandum Order No. 233, dated December 11, 2006, was issued directing the Land Registration Authority, through the concerned Register of Deeds, to annotate in the Transfer Certificate of Title the serial number of the Certificate Authorizing Registration (CAR) issued by the Bureau of Internal Revenue;

WHEREAS, the City, Municipal and Provincial Assessors are the ones cancelling, issuing and revising a Tax Declaration both for registered and unregistered real properties;

WHEREAS, annotating the CAR serial number, not only in the Transfer Certificate of Title, but also in the Tax Declaration, will provide an effective measure to verify and back-check tax payments and ensure that transfer tax payments are paid as a condition precedent to the issuance of a new Tax Declaration by the Local Assessors;

WHEREAS, under the Local Government Code of 1991, the Local Assessors are mandated to establish a systematic method of real property assessment and to ensure that all laws and policies governing the appraisal and assessment of real properties for taxation purposes are properly executed;

WHEREAS, the President, under the Constitution, shall exercise general supervision over local government units to ensure that their acts are within the scope of their prescribed powers and functions.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Additional Annotation Requirement. – The City, Municipal and Provincial Assessors are hereby directed to annotate in all Tax Declarations the serial number of the Certificate Authorizing Registration (CAR) issued by the BIR, the date of its issuance, the Revenue District Office Number of the district office that issued the CAR, the name of the Revenue District Officer who signed the CAR and the taxes paid on each transfer of ownership. This shall be indispensable requirement prior to the issuance of a Tax Declaration by the respective Municipal, City and/or Provincial Assessors.

In case of revaluation and/or changes made in the Tax Declaration, all previous information contained in the previous tax declaration must be annotated at the back of the new tax declaration, including the information contained in the previous CAR.

SECTION 2. Objectives. – This additional annotation requirement shall allow the verification and back-checking of tax payments and shall ensure that transfer tax payments are paid as a precondition to the issuance of a new Tax Declaration.

SECTION 3. Scope. – The additional annotation requirement shall cover all transfers of registered real properties, as well as, unregistered real properties securing a copy of a new tax declaration.

SECTION 4. Announcement to the Public. – The BIR shall post in the BIR website the monthly list of CARs issued, with mention of the CAR number; date of issue; name and number of issuing Revenue District Office; name of the signing Revenue District Officer; name of transferor; name of transferee; land area; land classification; amount of tax; and tax type paid.

SECTION 5. Administrative Penalty. – Failure on the part of the City, Municipal and Provincial Assessors to comply with the directives under this Administrative Order shall make them liable for administrative sanction pursuant to existing laws, rules and regulations.

SECTION 6. Repealing Clause. – All executive issuance, rules and regulations or parts thereof, which are inconsistent with this Administrative Order, are hereby repealed or modified accordingly.

SECTION 7. Effectivity. – This Administrative Order shall take effect fifteen (15) days after its publication in a national newspaper of general circulation.

DONE in the City of Manila, on this 31st day of July, in the year of our Lord, Two Thousand and Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

**ADMINISTRATIVE ORDER NO. 187
SERIES OF 2007**

REVISED RULES AND REGULATIONS IMPLEMENTING TITLE I, SECTION 6 OF
REPUBLIC ACT NO. 8425, OTHERWISE KNOWN AS THE “SOCIAL REFORM AND
POVERTY ALLEVIATION ACT”

WHEREAS, the formation of sectoral councils, the nomination process, recall procedures and such other mechanisms to ensure accountability of the sectoral representatives to the National Anti-Poverty Commission (NAPC) shall be governed by rules and regulations issued by the President pursuant to Title I, Section 6 of Republic Act No. 8425;

WHEREAS, in order to ensure that those appointed as members of the NAPC truly represent the best interest of the sectors they are supposed to represent;

WHEREAS, under the law, the sectoral councils possess the right to nominate the appointees of the President;

WHEREAS, it is necessary that the organizations comprising the sectoral councils must be legitimate sectoral organizations with valid reform agenda for their sectors;

WHEREAS, there exists a pressing need to make NAPC processes more inclusive, unified, cohesive, efficient and effective so that the law can be better implemented;

NOW, THEREFORE I, GLORIA M. ARROYO, President of the Philippines, by virtue of the powers vested in me by law do hereby order:

1. Sectoral general assembly composition:
 - 1.1. The General Assembly of each sector shall be composed of organizations duly accredited by the Office of the President.
 - 1.2. With due consideration to the recommendations of the NAPC Lead Convenor, the President shall appoint the organization/s that will act as secretariat to process the accreditation of organizations.
2. Eligibility for membership to the sectoral councils:
 - 2.1. Any accredited organization may be eligible for membership in the sectoral councils except those which directly or indirectly espouse or support armed struggle.
 - 2.2. Except for the Non-Governmental Organization (NGO) sectoral council, only people's or mass-based organizations largely composed of members belonging to the particular sector and whose programs and activities are geared towards uplifting the sector's situation are eligible to be part of the sectoral councils.
3. Composition of the sectoral councils:
 - 3.1. Each sectoral general assembly shall elect 20-25 organizations to their sectoral council following a process approved by the NAPC Lead Convenor.

- 3.2. The composition of all sectoral councils shall have the following distribution:
 - At least 50% shall be organizations with national constituency
 - At least two (2) representatives each of the local organizations shall come from the National Capital Region, Luzon, Visayas and Mindanao
 - At least 30% of all sectoral council representatives shall be women.
 - 3.3. Except for the NGO sectoral council, all other councils shall be composed of people's or mass-based organizations whose membership largely belong to the sector and whose programs and activities are geared toward improving the sector's conditions.
 4. Nomination process for sectoral representatives:
 - 4.1. Each of the sectoral councils shall elect three (3) nominees from which the President will appoint sectoral representatives.
 - 4.2. At least one (1) of the nominees shall come from an organization with national constituency and the other two (2) shall not come from organizations in the same major island grouping, i.e., Luzon, Visayas, Mindanao.
 5. Recall procedures:
 - 5.1. The President may recall her/his appointed sectoral representatives consistent with the Presidential power of appointment.
 - 5.2. The sectoral council may initiate a recall process against its sectoral representative following at least a 2/3 vote of the council and based on grounds approved by the President upon recommendation of the NAPC Lead Convenor.
 - 5.3. The recall process based on 5.2. shall be drafted by the NAPC secretariat and approved by a simple majority vote of NAPC members.
 6. The Lead Convenor of NAPC is hereby directed to immediately inform by the widest means possible all national and local organizations that they have to gain accreditation from the Office of the President as a condition precedent to becoming members of the sectoral general assemblies under this Administrative Order.
 7. The Lead Convenor of NAPC is hereby direct to follow the provisions of this Administrative Order upon its effectivity in relevant NAPC processes.
 8. All other orders or issuances inconsistent with this Administrative Order are hereby superseded and repealed or modified accordingly.
 9. This Administrative Order takes effect fifteen (15) days from its publication in the Official Gazette or a newspaper of general circulation.
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DONE IN THE CITY OF MANILA THIS 30TH DAY OF JULY, 2007.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 188
AUTHORIZING THE BUREAU OF INTERNAL REVENUE TO OUTSOURCE THE
ENCODING AND DATA PROCESSING OF DECLARATIONS AND RETURNS TO QUALIFIED
SERVICE PROVIDERS

WHEREAS, the Bureau of Internal Revenue (BIR) is implementing a long-term program to transform itself into a world-class tax administrator pursuant to the mandate of Executive Order No. 175;

WHEREAS, at the core of this program is the five-year Tax Computerization Project (TCP), which commenced in August 1994 and ended in December 1999;

WHEREAS, the main component of the TCP is the Integrated Tax System (ITS), which was developed to enable the efficient and effective collection by the BIR of its assigned revenue targets;

WHEREAS, on October 31, 2000, Executive Order No. 306 was issued to enhance the effectiveness of the BIR's Computerized Integrated Tax System;

WHEREAS, despite the turn-over to the BIR of TCP systems infrastructure, the roll-out of functional capability of ITS has been severely constrained by the BIR's limited resources and inability to hire and retain qualified personnel to operate, manage and maintain the ITS, thereby preventing TCP from achieving the desired benefit level;

WHEREAS, in order to address this concern, there is a need to outsource the BIR's technical support functions, specifically, the data entry services, which involves the encoding and processing of tax declarations and returns;

WHEREAS, outsourcing the data entry services to qualified service providers will obviate the need for the BIR to hire additional personnel and incur concomitant expenses; and

WHEREAS, under Section 20, Book III of Executive Order No. 292 (Revised Administrative Code), the President is empowered to exercise such other powers and functions.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The BIR is hereby authorized to outsource the data entry services or the encoding and processing of tax declarations and returns to qualified service providers.

SECTION 2. The BIR shall undertake the procurement for the outsourcing of data entry services in accordance with the provisions of Republic Act No. 9184, otherwise known as the "Government Procurement Reform Act".

SECTION 3. The disclosure by the BIR of confidential information regarding a taxpayer's business, income or estate to the service provider shall be for the sole purpose of converting into electronic format data items from his declarations and returns, and such confidential information shall not be used for any other purpose or disclosed to unauthorized persons.

SECTION 4. To ensure confidentiality of all information that will come to the knowledge of the service provider, the Contract to be executed by the BIR and the service provider shall categorically provide that the service provider and its employees shall be considered as agents of the BIR. Thus, they

shall be liable to penalties under Section 270, in relation to Section 269, of the Tax Code in case of any unlawful divulgence of any information regarding the business, income or estate of any taxpayer.

SECTION 5. All executive issuances, rules and regulations, or parts thereof, which are inconsistent with this Administrative Order, are hereby repealed or modified accordingly.

SECTION 6. This Administrative Order shall take effect immediately.

DONE in the City of Manila, on this 6th day of August, in the year of our Lord, Two Thousand and Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 189
**AFFIRMING THE POLICY OF CONSULTATION, EQUITY AND GRADUALISM IN IMPOSING/
INCREASING CHARGES AND FOR OTHER PURPOSES**

Whereas, the Department of Finance and Bureau of Internal Revenue's (DOF/BIR) 26-fold increase in the 3% tax on gross earnings of public utility vehicles (PUV), based on 2007 prices, has provoked attacks from both Senators and the transport sector;

Whereas, there is a need to reiterate and enforce three important principles in imposing and increasing charges: consultation, equity and gradualism;

Whereas, there should be clear efforts on the part of government to consult affected sectors and relevant agencies, in this case, the Department of Transportation (DOTC), if not the Board of the National Economic and Development Authority; to spread the burden among sectors, especially the rich; and to work out a gradual schedule of tax adjustments;

Whereas, while acknowledging the need to adjust PUV taxes based on current prices, the government should conduct consultations on the correct earnings level on which taxes would be based, as well as the timetable for imposing increases without grave dislocation of PUV operators and workers;

Now therefore I, Gloria M. Arroyo, President of the Philippines, by the powers vested in me by the Constitution and the laws of the land, do hereby order:

1. The principles of consultation, equity and gradualism are hereby affirmed in imposing and increasing charges.
2. The DOF/BIR shall work with DOTC and the transport sector on an urgent study to determine the right levels of PUV earnings as basis for taxation, and to set a schedule for adjusting charges without dislocating operators and drivers.
3. The DOTC Land Transportation Office (LTO) and Land Transportation Franchise Regulatory Board (LTFRB) shall work with the Metro Manila Development Authority and transport associations to rid Epifanio delos Santos Avenue and other major thoroughfares of colorum buses and jeepneys, thus reducing traffic and increasing revenues for legitimate PUVs. Primary responsibility shall be on LTO and LTFRB.
4. The BIR and the Bureau of Customs shall intensify efforts to collect from large taxpayers and importers, and bring evaders and smugglers to court.

Done in the City of Manila this 13th day of August, 2007.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

MALACAÑANG RECORDS OFFICE

ADMINISTRATIVE ORDER NO. 190

Based on the records available on file and in the possession of Malacañang Records Office, Administrative Order No. 190 of Presidential Issuances of Gloria Macapagal Arroyo was certified by their office as a reserved number and that no original copy of this issuance was forwarded and released to them.

Malacañang Records Office. (2015). *[Memorandum: certification and official count of Presidential Issuances]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 191

AUTHORIZING THE NATIONAL DISASTER COORDINATING COUNCIL (NDCC) TO REVIEW, EVALUATE AND ENDORSE DIRECTLY TO THE DEPARTMENT OF BUDGET AND MANAGEMENT (DBM) PERTINENT AGENCY WORK PROGRAMS PROPOSED FOR FUNDING FROM THE 2006 SUPPLEMENTAL APPROPRIATION (CALAMITY FUND) UNDER REPUBLIC ACT 9358, AND HEREBY DIRECTING THE DBM TO RELEASE THE FUNDS AS ENDORSED, SUBJECT TO AVAILABILITY OF FUNDS AS WELL AS APPLICABLE RULES AND REGULATIONS

WHEREAS, the calamity brought about by the August 11, 2006 Solar 1 oil spill caused extensive environmental damage and loss of livelihood to thousands of people;

WHEREAS, Congress passed Republic Act (RA) 9358 (2006 Supplemental Appropriation) appropriating among others, additional calamity funds in the amount of P867,401,000.00 under Section 1 (M) for various implementing agencies;

WHEREAS, RA 9358 provides further that the NDCC shall submit to the Congressional Oversight Committee a bi-monthly report on the utilization of funds for the Solar 1 oil spill;

WHEREAS, DBM-Department of Finance-NDCC Joint Memorandum Circular No. 1 dated March 21, 2007 provides implementing rules and regulations covering RA 9358, which require implementing agencies to submit proposals to the NDCC, an inter-agency body with the Office of Civil Defense (OCD) as technical Secretariat;

NOW THEREFORE, I, GLORIA M. ARROYO, President of the Republic of the Philippines, do hereby order:

Section 1. Mandate. – The NDCC shall review and approve proposals submitted to it for the rehabilitation, recovery, livelihood and development projects in oil spill-affected areas to be funded from the 2006 Supplemental Appropriation under RA 9358, and endorse the same to the DBM for corresponding fund releases. It shall likewise ensure that funds shall be spent judiciously and effectively, consistent with the language and intent of RA 9358, through proper prioritization of relevant programs and the consistent monitoring of projects. It shall notify the DBM of its approval as a basis for the release of the requested funds.

Section 2. Task Force Solar Oil Spill (SOS). – Task Force Solar Oil Spill is hereby abolished and its powers transferred to the NDCC.

Section 3. Secretariat. – The OCD shall secure the services of OCD Region 6 personnel to perform Secretariat services.

Section 4. Assistance of Government Entities. – All departments, agencies, bureaus, offices and instrumentalities are hereby enjoined to extend full assistance and cooperation to the OCD in the performance of its functions as specified in this order;

Section 5. Reportorial Requirements. – The NDCC shall submit status reports to the President whenever appropriate, and shall ensure that the required NDCC reports are submitted to the Congressional Oversight Committee, copy furnished Office of the President.

Section 6. Term. – This Administrative Order shall be in force for a period of two (2) years or until all approved projects shall been implemented and completed and a terminal report submitted to and accepted by the Congressional Oversight Committee and the President.

Section 7. Funding. – The funding for the administrative and operational expenses of the Secretariat shall have be charged to the NDCC allocation from the Calamity Fund. Salaries of organic personnel shall be charged to the budgets of their corresponding offices.

Section 8. Repealing Clause. – All other issuances, rules and regulations or parts thereof that are inconsistent with the provisions of the Administrative order are hereby repealed, amended or modified accordingly.

Section 9. Effectivity. – All other executive issuances, rules and regulations or parts thereof that are inconsistent with the provisions of this Executive Order are hereby repealed, amended or modified accordingly.

Done in the City of Manila, this 9th day of August, in the year of Our Lord, Two Thousand and Seven.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 192
ORDERING A 'HUMANITARIAN OFFENSIVE' IN BASILAN, SULU AND OTHER AREAS OF
THE AUTONOMOUS REGION OF MUSLIM MINDANAO

WHEREAS, the Autonomous Region of Muslim Mindanao is the poorest in the country;

WHEREAS, economic development remains our principal weapon against terrorism, which we draw from the arsenal of democracy;

WHEREAS, despite the recent hostilities, Basilan and Sulu are no means a war zone.

WHEREAS, ongoing peacekeeping operations against rearguard actions of a despised and defeated group are meant to clear the path for the journey of the provinces of Basilan and Sulu to peace and progress which terror has delayed for so long;

WHEREAS, the number of displaced persons is not as large as feared, and they are being assisted by the Department of Social Welfare and Development and other groups;

WHEREAS, there are attempts to whip up a negligible refugee situation as a crisis so it can in turn fan a public opinion hostile to operations of the Armed Forces of the Philippines;

WHEREAS, it must be made clear that government response to the conflict in Basilan and Sulu is not one-dimensional;

WHEREAS, putting all national government initiatives in one package shall result in a comprehensive delivery of services.

WHEREAS, the education situation is disturbing;

WHEREAS, livelihood in Basilan is reportedly inadequate and produce are reportedly very cheap in Sulu;

WHEREAS, the completion of the circumferential road in Basilan will have far-reaching impact on provincial life and commerce;

WHEREAS, there is a report that water pipes in Basilan are being dug up and vandalized;

WHEREAS, there is a bridge in Bongao town, Tawi-Tawi, donated by the United States which remains to be built even though the materials for it have been there;

WHEREAS, there is need for capacity-building in many areas of public life.

WHEREAS, bundling up disparate programs would give form and cohesion to national government presence;

WHEREAS, economic development in Basilan and Sulu are excellent laboratories for corporate social responsibility;

WHEREAS, the misconception must be avoided that the two provinces of the ARMM have been placed under the receivership of the Office of the President;

NOW, THEREFORE, I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by the Constitution and the laws of the land, do hereby order:

Section 1. The police and military operations in Basilan and Sulu shall be balanced with full-scale development offensive, a "humanitarian invasion," so to speak. This shall consist primarily of the following:

1. Secretaries Esperanza Cabral and Francisco Duque are hereby dispatched to the South to ensure the care and comfort of those who might be displaced;
2. An engineering battalion shall beachhead in Sulu immediately. Seabees shall on the other hand take care of Basilan.
3. All national government initiatives shall be packaged by the Presidential Adviser on the Peace Process (PAPP) under a Health, Education, Livelihood Progress (HELP) for Basilan and Sulu Program.
4. The HELP program shall be opened by the Department of Trade and Industry (DTI) to private sector cosponsorship.
5. Agencies shall contribute projects to the HELP template. For instance, the Commission on Higher Education shall offer additional scholarship slots so we can have more Tausug doctors. The Department of Energy with the Department of Education (DepEd) shall build solar powered science laboratories.
6. The Department of Trade and Industry (DTI) shall launch 'Sulong Sulu, Bangon Basilan' programs. This shall be the HELP battlecry. The DTI shall help the people of Sulu and the entire ARMM areas market their products at better prices.

Section 2. While national government will have a handle on HELP, it must be coordinated within the mechanism of the ARMM by the PAPP.

Section 3. The education situation shall be addressed as follows:

1. Winston Garcia of the Government Service Insurance System shall fix its side of the problem of government employees unable to get loans, health insurance and other benefits because reportedly their premiums totaling over several hundred million pesos have not been remitted to Manila.
2. The Professional Regulation Commission shall go to Basilan and Sulu and administer examinations and documentation there.
3. The national government through the DepEd shall assist the ARMM to move fast to build and repair more schools and shore up support for the teachers.

Section 4. The Department of Public Works shall assist the ARMM to move fast in the following projects:

1. Through the Local Water Utilities Administration, provide water facilities in the towns where less than 50% of the population have access to running water, especially in Basilan.
2. Finish the circumferential road in Isabela City and Basilan and other road projects.
3. Finish the bridge in Bongao town donated by the United States.

Section 5. Using best-practice as our model, the infrastructure for accountability and standards to implement all funding initiatives shall be set up by the Department of Interior and Local Government through the Local Government Academy.

DONE in the City of Manila, this 20th of August, in the year of Our Lord, Two Thousand and Seven.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 193
PLACING THE GOVERNMENT PROCUREMENT POLICY BOARD IN THE FRONTLINES OF
THE WAR AGAINST GRAFT

WHEREAS, the government should maximize the potential of the Government Procurement Policy Board (GPPB) as a tripwire against corruption by empowering the body to promote the culture of good procurement practices in the government;

WHEREAS, good governance starts with good procurement;

WHEREAS, so that all government agencies will be on the same page when it comes to asset acquisition, GPPB should take the lead in preaching good procurement with Government Procurement Act (GPRA) as the bible.

WHEREAS, raising the “procurement quotient” of government officials will deter wastage of taxpayers’ money and lead to value-for-money purchases by the country’s biggest consumer of goods and services;

WHEREAS, with GPRA popularized among the public, and internalized by civil servants, ignorance of its provisions would no longer be invoked as a reason for the commission of malfeasance;

WHEREAS, other agencies are getting large amounts under the Millennium Challenge Account;

WHEREAS, at present GPPB has a staff of less than twenty (20);

NOW THEREFORE, I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by law do hereby order:

Section 1. The GPPB to pursue the following:

1. Organize seminars for local governments which can be packaged and institutionalized as Procurement Policy Education for LGUs (PROPEL). This can include an information package and a series of seminars for LGU officials involved in procurement.
2. Wage an Anti-Lemon Law campaign, centering on the warranty cover on goods bought by public funds, which GPRA stipulates, preferably, infrastructure projects, including a “trophy project” which shall be replaced or repaired by a contractor.
3. Design a “Seal of Good Procurement” or a “GPRA-Compliant” icon that can be printed in goods up for mass distribution. For example, public school textbooks can feature the said icon, done in the style a la “Winner of the Booker Prize,” in their covers with the informative text: “As a result of the Government Procurement Reform Act, the cost of textbooks, such as this one, has gone down to P40, resulting in more books for schools and great savings for taxpayers like you.”
4. Create an Oscars for procurement, an “Ulirang Mamimili” of sorts awards for best procurement “institutions, individual, initiatives.” Success stories on procurement, reflected on the low delivery price, fast and transparent procurement, end-results the public can identify with and their only gauge of effective procurement, can be showcased in all the award literature. Corollary to this, GPPB can launch the “Procurement Integrity

by Truthful Officials” (PITO) Awards, literally a golden whistle, a whistleblower award, for vigilant procurement officers.

5. Popularize the GRPA by publishing pamphlets like “Bidding for Beginners”; establishing a news service that will send out copyright-waived weekly dispatches on procurement issues that can be called “Procurement News and Views”; among other media campaigns;
6. Involve the academe by asking GPPB to render technical assistance in the formulation of a syllabus for the subject Government Procurement 1010 which will be included in Public Administration courses offered by State Universities and Colleges

Section 2. To measure procurement quotient, questions on GPRA shall henceforth be included in all Civil Service and CESO eligibility examinations.

Section 3. To undertake all of the foregoing, plus other instructions the undersigned may wish to order later, Twenty Million Pesos (P20,000,000.00) shall be released to GPPB.

Done on this 22nd day of August, 2007.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 194
INSTITUTING A STRATEGY WITH FUNDING TO UPGRADE EXPORTS IN
THE FACE OF A STRONG PESO

WHEREAS, the peso continues to gain in strength;

WHEREAS, exports need to be pushed to move into higher value lines and processes and technical and credit support must be provided for those willing to be upgraded;

WHEREAS, for the purposes above-mentioned, contributions (not dividends) from government-owned and controlled corporations (GOCCs) gaining from the strong peso, such as the National Power Corporation (NPC) and/or the Transmission Corporation (Transco) could be used;

WHEREAS, NPC and Transco should help ensure that the businesses of electricity consumers such as exporters continue to be viable;

NOW THEREFORE, I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by the Constitution and the laws of the land, do hereby order:

1. The Department of Trade and Industry shall work with the Technology and Livelihood Resource Center, the government financial institutions and business to draw up and implement a program with development loans to upgrade the quality, design and packaging of Philippine exports, especially those being priced out due to the exchange rate.
2. GOCCs gaining from the strong peso shall, subject to their mandate under their respective charters and subject further to the availability of funds under their respective corporate operating budgets, fund the technical support for the export upgrading program to assist sectors losing out in the exchange rate and help ensure that the export business remain viable.

Done in Manila on this 25th day of August, in the Year of Our Lord Two Thousand and Seven.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 195

**DIRECTING THE NATIONAL HISTORICAL INSTITUTE TO ORGANIZE AND IMPLEMENT
THE OBSERVANCE OF THE CENTENNIAL BIRTH ANNIVERSARY OF PRESIDENT RAMON F.
MAGSAYSAY ON 31 AUGUST 2007**

I, **GLORIA MACAPAGAL-ARROYO**, President of the Philippines, by virtue of the powers vested in me by law, do hereby direct the National Historical Institute to organize and implement the observance of the Centennial Birth Anniversary of the late President Ramon F. Magsaysay on 31 August 2007.

The Department of Budget and Management is hereby authorized to release the amount of Two Million Pesos (P2,000,000.00) chargeable against the President's Contingent Fund for FY 2007 to defray the expenses for activities commemorating the said birth centenary celebration.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 28th day of August, in the year of our Lord, Two Thousand and Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 196

**EMPOWERING THE SECRETARY OF NATIONAL DEFENSE AND CONCURRENT
CHAIRMAN OF THE NATIONAL DISASTER COORDINATING COUNCIL TO DECLARE THE
SUSPENSION OF CLASSES IN TIMES OF DISASTERS OR CALAMITIES**

WHEREAS, it is the declared policy of the State to protect life, health, safety and property and to promote the general welfare of its people at all times, particularly during disasters or calamities;

WHEREAS, quick and speedy decision-making in the suspension of classes is necessary in times of disasters or calamities to spare the pupils, students and the public from unnecessary troubles, as well as dangers to their lives and limbs;

WHEREAS, the Secretary of National Defense as concurrent Chairman of the National Disaster Coordinating Council (NDCC) is in the best position to readily assess whether there is a need to suspend classes in times of disasters or calamities;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. The Secretary of National Defense (SND) and concurrent Chairman of the National Disaster Coordinating Council (NDCC) is hereby empowered to suspend classes at any and/or all levels nationwide and/or specific localities in the country during times of disasters or calamities, whether natural or man-made, such as typhoons, earthquakes, floods, conflagration, and the like. For this purpose, he is authorized to direct all the appropriate agencies for the implementation of the suspension of classes.

Section 2. The SND and concurrent NDCC Chairman shall immediately inform the Office of the President, through the Executive Secretary, of his decision to suspend classes.

Section 3. This Administrative Order does not nullify the powers of other government officials and/or school heads and administrators to suspend classes for the protection and safety of the students, faculty and personnel of the school.

Section 4. This Administrative Order shall take effect immediately.

Done, in the City of Manila, this 11th day of the September, in the year of our Lord, Two Thousand and Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 197

WHEREAS, there is a need to address security concerns.

NOW THEREFORE, I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by law, do hereby order:

1. The Department of National Defense (DND) and the Armed Forces of the Philippines (AFP) shall work closely with the Presidential Human Rights Committee (PHRC) subcommittee on killings and disappearances for speedy action on cases and effective reforms to avoid abuses, with regular reports to the Commander-in-Chief through the Executive Secretary as PHRC chair, and in consultation with the Court Administrator, invited as PHRC subcommittee observer.
2. The DND/AFP shall draft legislation in consultation with the Presidential Legislative Liaison Office and Congress allies for safeguards against disclosure of military secrets and undue interference in military operations inimical to national security.
3. The DND/AFP shall accelerate the recruitment, training, equipping and deployment of CAFGUs in place of transferred troupes as well as investigate and, if necessary, stop and punish schemes to fraudulently collect salaries through 'ghost' CAFGUs.
4. The DND/AFP, Office of the Presidential Adviser on the Peace Process, Department of Interior and Local Government shall work with Local Government Units to fast-track local peace initiatives, especially local ceasefires, particularly in Bohol, Butuan and other priority areas for peace assemblies; and to work with the Union of Local Authorities, the Catholic Bishops Conference of the Philippines and other sectoral and civil society groups in advocating with Congress to concur soonest with the amnesty proclamation.
5. The DND/AFP shall report to the Commander-in Chief and inform the troops and the public and media the implementation of the recommendations of the Davide and Feliciano Commissions, and what further measures will still be done.

DONE this 25th day of September, 2007 in the City of Manila.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 198
CREATING THE INTER-AGENCY TASK FORCE FOR THE JAPAN-PHILIPPINES ECONOMIC
PARTNERSHIP AGREEMENT (JPEPA) SENATE RATIFICATION

WHEREAS, a Philippine Coordinating Committee (PCC) has been created to study the feasibility of the Japan-Philippines Economic Partnership Agreement (JPEPA) under E.O. 213 dated 28 May 2003 composed of the following government agencies:

- 1) Department of Foreign Affairs (DFA)
- 2) Department of Trade and Industry (DTI)
- 3) Department of Agriculture (DA)
- 4) Department of Budget and Management (DBM)
- 5) Department of Education (DepEd)
- 6) Department of Energy (DOE)
- 7) Department of Environment and Natural Resources (DENR)
- 8) Department of Finance (DOF)
- 9) Department of Health (DOH)
- 10) Department of Justice (DOJ)
- 11) Department of Labor and Employment (DOLE)
- 12) Department of Public Works and Highways (DPWH)
- 13) Department of Science and Technology (DOST)
- 14) Department of Tourism (DOT)
- 15) Department of Transportation and Communications (DOTC)
- 16) National Economic and Development Authority (NEDA)
- 17) Bangko Sentral ng Pilipinas (BSP)
- 18) Securities and Exchange Commission (SEC)

WHEREAS, the aforementioned government agencies, and other pertinent agencies vital to the JPEPA negotiations, have contributed their time and effort in the successful negotiation of the JPEPA and concurred to the ratification of the treaty;

WHEREAS, the JPEPA was signed by both leaders of the Philippines and Japan on 09 September 2006;

WHEREAS, the JPEPA requires legislative concurrence after executive ratification, with Executive Order No. 459 (series of 1997) providing for the guidelines in the negotiation of international agreements and its ratification;

WHEREAS, the Office of the President transmitted on 17 August 2007 to the 14th Congress of the Senate of the Philippines the Instrument of Ratification of the JPEPA for Senate concurrence;

WHEREAS, the Senate Committee on Foreign Relations is leading the Senate hearings of the JPEPA for the judicious deliberation of the Agreement;

WHEREAS, there is a need to create a Task Force composed of different government agencies which will be tasked to put forward to the Senate the benefits, advantages and opportunities to the Philippine economy of a bilateral agreement with Japan;

NOW THEREFORE, I, GLORIA MACAPAGAL-ARROYO, by virtue of the powers vested in me by law, do hereby order:

Section 1. *Creation of JPEPA Task Force.* – A JPEPA Task Force (JTF) is hereby created to act with resolve and urgency for the ratification of the Agreement in the Senate;

Section 2. *Composition.* – The Task Force shall be composed of the representatives from the following government agencies:

- 1) Department of Foreign Affairs (DFA)
- 2) Department of Trade and Industry (DTI)
- 3) Department of Agriculture (DA)
- 4) Department of Budget and Management (DBM)
- 5) Department of Education (DepEd)
- 6) Department of Energy (DOE)
- 7) Department of Environment and Natural Resources (DENR)
- 8) Department of Finance (DOF)
- 9) Department of Health (DOH)
- 10) Department of Justice (DOJ)
- 11) Department of Labor and Employment (DOLE)
- 12) Department of Public Works and Highways (DPWH)
- 13) Department of Science and Technology (DOST)
- 14) Department of Tourism (DOT)
- 15) Department of Transportation and Communications (DOTC)
- 16) National Economic and Development Authority (NEDA)
- 17) Securities and Exchange Commission (SEC)
- 18) Office of the Solicitor General (OSG)

Each government agency enumerated above shall have at least one (1) representative who shall at least be a third ranking official of the concerned agency. Other government offices, including the Bangko Sentral ng Pilipinas, private groups or resource persons may be invited to join the Task Force as may be necessary and appropriate.

The Department of Foreign Affairs and Department of Trade and Industry shall act as Task Force co-chairs.

Section 3. *Functions.* – The Task Force, which shall be convened immediately after this Administrative Order takes effect, shall have the following functions:

1. To coordinate with other agencies of government the necessary information required for Senate ratification of the JPEPA;
2. To organize the resource documents pertinent to the Senate hearings of the JPEPA;
3. To attend the hearings of the JPEPA in the Philippine Senate;
4. To perform such other functions as may be directed by the President.

Section 4. *Special Experts Panel on JPEPA.* – To assist the Task Force in its functions, a Special Experts Panel is hereby organized to be composed of public officials and private individuals who are leading figures in the areas of law, international trade and economic cooperation.

Section 5. *Secretariat and Technical Support.* – The Department of Trade and Industry shall provide secretariat support to the Task Force. Each agency shall designate a team to act as technical arm of the Task Force.

Section 6. *Funding.* – Financial requirements that may be needed by the Task Force shall be sourced out by the Department of Budget and Management from available funds of the concerned agencies forming part of the Task Force, subject to the usual government accounting and auditing rules and regulations.

Section 7. *Effectivity* – This Administrative Order shall take effect immediately.

Done in the City of Manila, this 28th day of September, in the year of our Lord, Two Thousand and Seven.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2007). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 199
ADDRESSING INTERNAL REVENUE ALLOTMENT ARREARS CLAIMED BY THE UNION OF
LOCAL AUTHORITIES OF THE PHILIPPINES

I, **GLORIA MACAPAGAL-ARROYO**, President of the Philippines, by the power vested in me by law, do hereby order:

1. The Department of Justice (DOJ) shall review the P19.9 billion in Internal Revenue Allotment arrears claimed by the Union of Local Authorities of the Philippines (ULAP).
2. If legally sound, the Department of Budget and Management (DBM) shall work out the funding for the claimed arrears.
3. The Cabinet Secretary shall organize a meeting of the ULAP and the Regional Development Councils (RDCs).
4. The DBM and DOJ shall make a presentation on the claims in the ULAP/RDC meeting.

Done, in the City of Manila, this 6th day of October, in the year of our Lord, Two Thousand and Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 200
ON REDUCING REMITTANCE FEES OF OVERSEAS FILIPINO WORKERS

WHEREAS, the current remittance fees of Overseas Filipino Workers (OFWs) of 4%-9% of the amounts sent is even higher than credit card charges;

NOW THEREFORE, I, GLORIA MACAPAGAL-ARROYO, by the powers vested in me by law, do hereby order:

Section 1. The Department of Finance (DOF), Department of Labor and Employment (DOLE), Government Financial Institutions and Overseas Workers Welfare Administration shall work with the Bangko Sentral ng Pilipinas and the Bankers' Association of the Philippines on a plan for reducing OFW remittance fees from the current 4%-9% of amounts sent.

Section 2. The Cabinet Secretary shall call for a meeting of the National Economic and Development Authority (NEDA) Cabinet.

Section 3. The DOF and DOLE shall present its plan to the NEDA Cabinet meeting.

DONE, in the City of Manila, this 6th day of October, in the year of our Lord, Two Thousand and Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 201
**ACCELERATING/EXPANDING DEVELOPMENT PROGRAMS IN SUPPORT OF LOCAL
PEACE EFFORTS**

I, GLORIA M. ARROYO, by the powers vested in me by law, do hereby order:

The relevant agencies shall accelerate/expand development programs in support of local peace efforts, especially the Bohol local peace efforts. The message should be clear: When peace is forged, development follows. This template should be demonstrated in several key provinces, ideally in Mindanao (Butuan), Visayas (Bohol) and Luzon (perhaps Laguna or Quezon).

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

OCTOBER 9, 2007

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 202
CREATING AN INTER-AGENCY COMMITTEE FOR THE CELEBRATION OF THE MONTH
OF OVERSEAS FILIPINOS AND INTERNATIONAL MIGRANTS DAY IN THE PHILIPPINES

WHEREAS, Proclamation No. 276, issued by President Corazon C. Aquino in 1988 declared December of every year as “Month of Overseas Filipinos”, to give recognition to Filipinos abroad and encourage their participation in development activities in the country;

WHEREAS, a United Nations’ General Assembly Resolution adopted on 4 December 2000, proclaimed December 18 of every year as “International Migrants Day”, calling all member states, as well as intergovernmental and nongovernmental organizations, to observe this occasion through the dissemination of information regarding the fundamental rights and freedoms of migrants, and the formulation of policies and program of action to ensure their protection;

WHEREAS, the Philippine government recognizes the significant role of Filipino migrants in national development;

WHEREAS, the Philippine government recognizes the “Month of Overseas Filipinos” and the “International Migrants Day” as avenues for collective action to promote the welfare of Filipino migrants, recognize their role in nation building and national development, strengthen their ties with the Philippines and raise public awareness on various issues concerning migrants;

WHEREAS, the Philippine Migrants Rights Watch (PMRW) is an umbrella organization of 12 migrant civil society organizations working for the recognition, protection and fulfillment of the rights of Filipino migrants in the Philippines and abroad, through policy advocacy and constant collaboration with fellow advocates and various stakeholders in the field of migration;

WHEREAS, the Commission of Filipino Overseas (CFO), an agency under the Office of the President, is mandated to strengthen the ties of Filipinos overseas with the Philippines, as well as promote their interests in the Philippines and abroad, and has, since its establishment in 1980, developed and implemented various programs recognizing Filipino individuals and organizations overseas for their exceptional achievement and invaluable contribution to the country, including the bi-annual Presidential Awards for Filipinos and Filipino Organizations Overseas.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order the creation of an Inter-Agency Committee (IAC) for the celebration of the Month of Overseas Filipinos” and the Philippine International Migrants Day”.

Section 1. Chair and Co-Chair – The Philippine Migrant Rights Watch (PMRW) shall be the Chair of IAC and the Commission on Filipinos Overseas (CFO) shall be its Co-Chair.

Sec. 2. Composition – Together with the PMRW and the CFO, the IAC shall also include, but not limited to the following agencies:

1. Department of Labor and Employment (DOLE)
2. Overseas Workers Welfare Administration (OWWA)

3. Philippine Overseas Employment Administration (POEA)
4. Department of Foreign Affairs (DFA)
5. Department of Tourism (DOT)
6. Department of Trade and Industry (DTI)
7. Office of the Press Secretary (OPS)
8. Philippine Migration Research Network (PMRN)
9. Migrant Forum Asia (MFA)

Sec. 3. Role of the Inter-Agency Committee – The IAC shall:

1. Prepare an integrated inter-agency program to commensurate the “Month of Overseas Filipinos” and the “International Migrants Day”, in December and December 18 of every year, respectively, with the end in view of promoting the welfare of Filipino Migrants, recognizing their role in nation-building and national development, strengthening their ties with the Philippines, and raising public awareness on various issues concerning migrants.
2. Oversee the implementation of the various programs and activities for the two aforesaid occasions, and encourage the widest participation of overseas Filipinos and the larger Philippine community.
3. Organize working groups to coordinate and supervise matters related to the commemoration of the aforesaid occasions.
4. Mobilize private sector participation in all aspects of the celebration.
5. Undertake other activities as maybe necessary for the achievement of the objectives enumerated in Sec. 3.1, hereof, within the periodic parameters of the two occasions.

Sec. 4. Assistance – The IAC is hereby authorized to call upon all other agencies and instrumentalities of the Philippine government, as well as non-government organizations catering to Filipino migrants and their families, whose assistance and support may be deemed necessary to the effective dispatch of the role of the IAC. The departments, agencies, and instrumentalities called upon by the IAC for assistance are hereby directed to extend their full cooperation.

Sec. 5. Funding – The IAC may seek grants, and accept donations from other entities to finance or support its relevant projects, programs and activities.

Sec. 6. Separability Clause – Should any part or provision of this Administrative Order be held unconstitutional or invalid, the other parts or provisions hereof which are not affected shall continue to be in full force and effect.

Sec. 7. Effectivity – This Administrative Order shall take effect immediately.

Done in the City of Manila, this 10th day of October, in the year of our Lord, Two Thousand and Seven.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 203
**PRIORITIZING THE PROVISION OF JOBS, LIVELIHOOD AND BASIC SERVICES TO BRING
DOWN THE RATE OF EXTREME POVERTY**

I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by law do hereby order:

Section 1. The China Projects Oversight Panel shall earmark \$120 million for programs and projects drawn up by local government units and agencies to uplift areas and communities suffering extreme poverty, as identified by the National Anti-Poverty Commission in consultation with the bishops and the Non Government Organizations. Top priority are local government units with a high incidence of severe hunger and/or high unemployment. The projects shall be proposed by year's end for 2008 launching.

Section 2. The Cabinet shall already undertake preparatory work on programs and projects in 2008 as approved by the House of Representatives, to ensure speedy implementation next year. Upon consultation with Senators, agencies may also publicize those undertakings likely to be passed by the Senate without major revisions. The aim is to earmark about Five Billion Pesos (P5,000,000,000.00) worth. Along with China projects to be proposed under Section 1, a total fund of Ten Billion Pesos (P10,000,000,000.00) would be mobilized to fund extreme poverty.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Manila, 15 October 2007

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 204

**AUTHORIZING THE INCREASE OF CASH ALLOWANCE TO PUBLIC SCHOOL TEACHERS
FOR THE PURCHASE OF CHALKS, ERASERS, FORMS AND OTHER CLASSROOM SUPPLIES
AND MATERIALS**

WHEREAS, it is the enunciated policy of the state to provide quality basic education in its public schools;

WHEREAS, it is likewise the policy of the government to support the needs of teachers by providing the environment for them to effectively undertake their functions in the classroom;

WHEREAS, teachers play an important role in molding their students to become model citizens of the country;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Increase in Cash Allowance for the Purchase of Chalks, Erasers, Forms and Other Classroom Supplies and Materials. — To lessen the teachers' burden during actual teaching and enable them to better stir classroom interaction, an increase in said cash allowance is granted to public school classroom teachers under the Department of Education (DepEd), from P300 to P500 each per annum.

SECTION 2. The Department of Budget and Management is hereby directed to charge the funding support necessary to implement this Order against the available savings of the national government.

SECTION 3. The implementing rules and regulations covering this Order shall be issued by the DepEd and DBM.

SECTION 4. This Order shall take effect immediately.

DONE in the City of Manila, this 19th day of October, in the year of Our Lord, Two Thousand and Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 205
DIRECTING THE SECRETARY OF EDUCATION TO LEAD THE ORGANIZATION AND
IMPLEMENTATION OF A PROGRAM OF ACTIVITIES IN COMMEMORATION OF THE
110TH ANNIVERSARY OF PHILIPPINE INDEPENDENCE ON JUNE 12, 2008

WHEREAS, the heroism, patriotism and nationalism of our forebears in the struggle for the independence of our country merit noble commemoration;

WHEREAS, the 110th anniversary of the proclamation of Philippine Independence is an ideal occasion for all Filipinos to unite and celebrate the freedom and liberty of our nation and to rally behind the government and the country's institutions;

WHEREAS, in order to have a truly meaningful celebration, the proper planning, coordination and implementation of all activities are needed;

NOW, THEREFORE, I, GLORIA MACAPAGAL ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. The Secretary of Education is hereby directed to take the lead in the planning, coordination, and implementation of the program of activities and events in celebration of Independence Day on June 12, 2008.

Sec. 2. The Department of Education, as the lead agency of the celebrations, shall convene an inter-agency organizing task force to plan, coordinate and implement effectively all programs, projects and activities related to this national event.

Sec. 3. The inter-agency task force shall be composed of the representatives of the Office of the President, the Department of Education, the Department of Tourism and the National Historical Institute.

Sec. 4. All departments, bureaus, offices, national government agencies, local government units and government owned and controlled corporations are hereby enjoined to give full support, assistance, and cooperation to the Secretary of Education in the exercise of his responsibilities under this Administrative Order.

Sec. 5. All branches of the government are enjoined to actively participate in the Independence Day celebrations, as well as to enlist the participation of private sector groups and non-government organizations, so that the commemoration of the 110th Anniversary of the country's independence will truly demonstrate the spirit of patriotism, unity and national identity of the Filipino people.

Local government units, together with private sector groups and nongovernment organizations, and the Philippine Embassies abroad are likewise enjoined to celebrate Independence Day in their respective localities and offices.

Sec. 6. The events and activities for the Philippine Independence Day celebration shall include, to the extent appropriate, the following:

- a. **Pambansang Araw ng Watawat** (National Flag Day) on May 28, as the kick-off ceremony
- b. **Flag-Raising and Wreath-Laying Ceremonies** at the Rizal National Monument, Rizal Park, Manila, in the morning of June 12

This particular activity shall be replicated in places of national historical significance, such as the Barasoain Church Historical Landmark in Malolos City, Bulacan; the Aguinaldo Shrine in Kawit, Cavite; the Mausoleo de los Veteranos de la Revolucion at the Manila North Cemetery; the Bonifacio National Monument in Calookan City; and the Pinaglabanan Memorial Shrine in San Juan, Manila. All other cities and municipalities around the country are enjoined to simultaneously hold similar activities on the same day and time.

- c. To follow immediately, the **Philippine Independence Day Parade** at the Quirino Grandstand, which shall have a meaningful theme relevant to the celebration; and, thereafter, by a special presentation on the historic importance of June 12.

Sec. 7. The Department of Budget and Management is hereby directed to provide the necessary funding support for the expenses in connection with the activities commemorating the 110th Anniversary of Philippine Independence, chargeable against appropriate funds for the purpose and subject to existing and pertinent budgetary, auditing rules and regulations.

Sec. 8. In support of the celebrations, all concerned government agencies and local government units, subject to budgetary laws and issuances, are authorized to allocate such amounts as may be necessary to defray expenses for the said event.

Done in the City of Manila, this 30th day of October, in the year of our Lord, Two Thousand and Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 206
**ACCELERATING INFRASTRUCTURE PROJECTS TO MAINTAIN GROWTH AMID EXPORT/
REMITTANCE SLOWDOWN**

WHEREAS there is a slowdown in the growth of exports and remittances due to the rapid appreciation of the peso;

WHEREAS delays are being reported in many Super Region infrastructure projects;

NOW THEREFORE I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by law, do hereby order:

Section 1. The Super Region Champions shall intensify infrastructure monitoring and fast-track work and bidding, while ensuring transparency, the meet construction targets for the year 2007.

Section 2. The Department of Budget and Management shall coordinate with the implementing agencies for the prompt release of funds for Super Region projects, so that most infrastructure outlays are obligated by January 2008.

Section 3. The Pro-Performance System and the Procurement Transparency Group shall begin operations for proper monitoring, agency advisories and remedial action for infrastructure work.

SO ORDERED on 30 October 2007.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 207
**SUSTAINING ATTENTION AND ACTION ON PEACE INITIATIVES AT LOCAL, NATIONAL
AND INTERNATIONAL LEVELS**

I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by law, do hereby order:

Section 1. The Office of the Presidential Adviser on the Peace Process and the Presidential Legislative Liaison Office shall brief Congressmen on the amnesty proposal, for urgent passage this year.

Section 2. The OPAPP shall report and give recommendations on recent overtures of the National Democratic Front for resuming peace talks, without prejudice to local peace initiatives.

Section 3. The National Security Council and the OPAPP shall hold local peace assemblies in Luzon before the end of the year, and report on peace initiatives in the Bohol and Butuan areas, including development projects designated by the Armed Forces of the Philippines National Development Service Command.

These matters shall be scheduled for the National Security Cabinet Group meeting on 13 November 2007.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Manila, 06 November 2007

Source: Malacañang Records Office

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 208
TEMPORARILY MERGING THE OFFICE OF EXTERNAL AFFAIRS WITH A UNIT IN THE
PHILIPPINE GAMES AND AMUSEMENT CORPORATION

I, GLORIA M. ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

The Office of External Affairs, Office of the Political Advisor to the President, is hereby temporarily merged for operations purposes with the People's Government Mobile Action (PGMA) Unit of the Philippine Games and Amusement Corporation. While it remains under the administrative supervision of the Political Advisor to the President, its grassroots outreach activities shall support and be logistically supported by the PGMA Unit.

DONE this 31st day of October, 2007.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 209

DIRECTING THE ALLOCATION OF FUNDS FROM THE NATIONAL LIVELIHOOD SUPPORT FUND (NLSF) TO FINANCE THE LIVELIHOOD PROGRAMS OF RESETTLED FAMILIES

WHEREAS, the National Livelihood Support Funds (NLSF), formerly known as the Kilusang Kabuhayan and Kaunlaran, was conceived as a nationwide movement to mobilize local resources for the establishment of viable productive enterprises that would provide sources of livelihood within the community;

WHEREAS, the Housing and Urban Development Coordinating Council (HUDCC), is mandated to provide shelter and urban improvement to homeless families;

WHEREAS, under its housing program, the HUDCC relocated several families with sources of living through self-help and self-reliance using their own human, financial and physical resources within their community;

WHEREAS, to achieve this goal, there is an imperative need to provide livelihood programs with adequate funding for the relocated families;

NOW THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Management Committee of the NLSF is hereby directed to provide livelihood projects with financing options to the qualified individuals relocated in the HUDCC resettlement areas at prevailing market rates per annum;

SECTION 2. The Management Committee of NLSF is further directed to exclusively allocate the entire amount of PHILIPPINE PESOS: ONE HUNDRED FIFTY MILLION (PhP 150,000,000.00) to be sourced from the accumulated earnings of the Fund to realize the intention of this Administrative Order;

SECTION 3. That the Executive Director of the NLSF and the Secretary General of HUDCC are hereby directed to jointly formulate the guidelines, rules and regulations to implement the provisions hereof within sixty (60) days from the issuance of this Order;

SECTION 4. All executive issuances or portions thereof inconsistent with the provisions of this Administrative Order are hereby amended, modified or revoked accordingly;

SECTION 5. This Order takes effect immediately.

Done at Malacañang, Manila, this 12th day of October, in the Year of the Lord, Two Thousand Seven.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 210
HARNESSING GOVERNMENT, CIVIL SOCIETY AND SECTORAL GROUPS FOR
TRANSPARENCY AND PROCUREMENT REFORMS

I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by law, do hereby order:

1. The Pro-Performance System (PPS) and the Procurement Transparency Group (PTG) shall review road projects covered by the suspended World Bank loan, for report to the President;
2. The PPS and the National Economic and Development Authority shall undertake regular consultations with foreign funding agencies to minimize, uncover and address anomalies in foreign-funded projects;
3. The PTG shall submit a detailed plan for the deployment civil society observers in bids and awards committees handling projects worth One Hundred Million Pesos (P100,000,000.00) or more;
4. The Presidential Anti-Graft Commission shall report on the suspended road projects, and consult the World Bank and other funding agencies on other anomalies to investigate;
5. The Government Procurement Policy Board shall review regulations, systems and procedures for Official Development Assistance and government-to-government projects, and recommend integrity and transparency reforms;
6. The DBM shall source funds for the investigation of irregularities in foreign-funded infrastructure projects.

DONE in the City of Manila on this 22nd day of November, in the year of our Lord, Two Thousand and Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 211
CREATING A TASK FORCE AGAINST POLITICAL VIOLENCE

WHEREAS, it is the policy of the State to maintain peace and order, protect life, liberty, and property, and promote common welfare as essentials for the enjoyment by all the people of the blessings of democracy;

WHEREAS, the State recognizes that the attainment of a just, comprehensive and lasting peace under the rule of law is the foundation of economic development and national prosperity;

WHEREAS, with the recent incidents of violence in the country, political violence has become a fundamental moral and governance challenge;

WHEREAS, this administration, pursuant to its constitutional and international obligations, condemns all forms of violence, particularly when perpetrated for political gains and goals, destabilization, abuse of power and other political excesses;

WHEREAS, the constitutional guarantee of full respect for human rights by the State cannot be fully attained without the cooperation of all sectors of society;

NOW, THEREFORE, I, GLORIA MACAPAGAL ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. *Creation and Mandate of the Task Force Against Political Violence (TFAPV).* A **Task Force Against Political Violence** (hereinafter “Task Force”) is hereby created to harness and mobilize government agencies, political groups, the religious, civil society and sectoral organizations and the public for the prevention, investigation, prosecution and punishment of political violence, the care and protection of people and communities victimized and threatened with violence, and the promotion of a culture opposed to violence and for the advancement of reconciliation and peace.

Sec. 2. *Composition.* The Task Force shall be composed of representatives from the following departments and agencies:

1. Department of Justice
2. Department of National Defense
3. Department of Interior and Local Government
4. Office of the National Security Adviser
5. Office of the Political Adviser
6. Office of the Presidential Adviser on Peace Process
7. Presidential Human Rights Committee, and
8. Philippine Information Agency

The members of the Task Force shall elect from among themselves a Head.

The Armed Forces of the Philippines, Philippine National Police, National Intelligence Coordinating Agency and National Bureau of Investigation are hereby directed to actively support and participate, through their principal agencies, in carrying out the mandate of the Task Force.

Sec. 3. *Secretariat.* The secretariat of the Task Force shall be designated from among the personnel of the department/office of the Head.

Sec. 4. The Task Force shall coordinate and work with the Judiciary, as well as the Presidential Commission on Values Formation, the Commission on Human Rights, the Union of Local Authorities of the Philippines and nongovernment organizations, in achieving its mandate.

Sec. 5. The Task Force shall prioritize the formulation and implementation of measures to prevent further political violence and ensure peace and security all over the country.

Sec. 6. The various departments, bureaus, offices, agencies, and local government units are hereby enjoined to give full support, assistance, and cooperation to the Task Force in carrying out its mandate.

Sec. 7. The Department of Budget and Management is hereby directed to provide the necessary funding support for the expenses in connection with the activities of the Task Force, subject to existing and pertinent budgetary, auditing rules and regulations.

Sec. 8. *Effectivity.* This Order shall take effect immediately.

Done in the City of Manila, this 26th day of November, in the year of our Lord, Two Thousand and Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2007). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 212
CREATING THE PRESIDENTIAL ANTI-COLORUM/KOTONG TASK FORCE (PACKTAF).

WHEREAS, Sec. 12, Art. XII of the Constitution provides that for the operation of public utilities a franchise or certificate is necessary.

WHEREAS, under Sec. 15, Commonwealth Act 146 the operation of public utility vehicles without a certificate of public convenience or a certificate of convenience and public necessity is contrary to law.

WHEREAS, the economic benefits of the legitimate operators of public utility vehicles are prejudiced by colorum operators and by people protecting such illegal activity.

WHEREAS, the safety of the riding public is of paramount interest of the government and colorum public utility vehicles evade safety inspections, inspection for antismoke-belching and good-repair standards set by the government.

WHEREAS, there is a rise in the incidents of extortion or “kotong” perpetrated against drivers or operators of public utility vehicles.

WHEREAS, extortion has a pernicious effect to the livelihood of transport groups and must be eliminated.

WHEREAS, the extortion or mulcting is a form of robbery as defined in Art. 293 and 294 of the Revised Penal Code and therefore punishable.

WHEREAS, enhanced coordination between and among agencies will lead to improve effectiveness and efficiency in the government’s efforts to eradicate extortion and the operation of colorum public utility vehicles.

WHEREAS, there is a need for a coordinating body attached directly under the Office of the President that will pro-actively and exhaustively conduct coordinative efforts nationwide to solve the problem extortion and of colorum public utility vehicles plying the streets.

WHEREAS, there is an urgent need for a sustained, relentless and dedicated campaign to address the problem of extortion and proliferation of colorum public utility vehicles.

WHEREAS, Section 31, Chapter 10, Title III, Book III of the Administrative Code of 1987 provides the President with continuing authority to organize the Office of the President.

WHEREAS, Article VII, Section 17 of the Constitution provides that the President shall have control of all executive departments, bureaus, and offices;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution and the laws, do hereby order:

Section 1. *Creation* - The PRESIDENTIAL ANTI-COLORUM/ANTI-KOTONG TASK FORCE (PACKTAF) is hereby created under the Office of the President, pursuant to Article VII, Section 17 of the Constitution and Section 31, Chapter 10, Title III, Book III of the Administrative Code, to act with resolve and urgency in addressing the issue of extortion and colorum public utility vehicles.

Section 2. *Steering Committee* - There is hereby created a Steering Committee composed of the Secretary of Department of Interior and Local Government (DILG), Department of Transportation

and Communication (DOTC), Department of Justice (DOJ), Department of Energy (DOE) and the Department of National Defense (DND).

Section 3. *Functions of the Steering Committee* - The Steering Committee shall provide policy direction and oversight to PACKTAF. It shall be headed by the DOE Secretary.

Section 4. *Task Force Head* - Undersecretary Roy V. Kyamko is designated as the Task Force Head of PACKTAF, who shall be responsible for the day to day activities of the Task Force. He shall be monitoring the daily operations and reporting to the Steering Committee. He shall take appropriate measures and necessary actions to ensure compliance with the law, this Administrative Order and the policies formulated by the Steering Committee.

Section 5. *Composition* - The Task Force shall also be composed of representatives of the following government departments/agencies and transport groups as members:

- a. Department of Interior and Local Government
- b. Department of Transportation and Communication
- c. Department of Justice
- d. Department of Energy
- e. Department of National Defense
- f. Accredited Transport Sector;

Section 6. *Personnel* - The Task Force shall have a maximum total manpower of forty five (45) personnel, composed of fourteen(14) Officers and thirty one (31) Non-commissioned officers and civilian employees; the organizational structure and staffing shall be determined by the Task Force Head subject to the approval of the majority of the Steering Committee. Any changes in the organizational structure shall not take effect unless ratified by a majority of the Steering Committee.

The accredited transport groups shall name two (2) representatives to join PACKTAF as volunteer consultants.

That twenty (20) of these personnel shall be hired as contractual employees whose salaries shall be sourced from supplemental funds while the remaining twenty five (25) personnel will be provided by the concerned agencies to fill up the manning requirements of the task force.

That an active PNP Senior Officer shall be designated as the Deputy Head of the task force to be appointed by the President.

Section 7. *Operations Center* - The operations center of the Task Force shall be based in the Department of Energy.

Section 8. *Powers/Functions of the Task Force (PACKTAF)* -

- a. Direct the conduct of operations and if found to have probable cause shall effect the immediate arrest and investigation of a person or group believed to be involved in mulcting or extortion activities or operating colorum vehicles;
- b. Conduct intelligence and counter-intelligence operations to identify suspects or groups involved in kotong and operation of colorum vehicles;
- c. Request from the DOJ to provide prosecutors or refer the case/s at hand, as the PACKTAF may deem proper and necessary, to the Department of Justice and other investigative bodies for proper disposition of the case;
- d. Monitor and follow-up the progress of on-going investigation and prosecution of cases of which the PACKTAF has taken cognizance;

- e. Call upon the DND, should the need arise, to provide personnel during actual operation;
- f. Require DOTC to provide impounding areas for confiscated vehicles;
- g. Develop public awareness and information campaigns, in partnership with local government units and civic organizations, to encourage public participation in the government's anti-colum/anti-kotong drive;
- h. The PACKTAF may undertake studies, on its own or in cooperation with the PNP, other government agencies or non-governmental organizations, and transport groups on new measures to prevent and eliminate the operation of colorum public utility vehicles and extortion activities and relay its findings directly to the President.
- i. The PACKTAF shall pro-actively and exhaustively conduct daily coordinative efforts nationwide on aspects relative to anti-colum measures, anti-kotong prevention endeavors, and apprehension of operators, protectors of the illegal operation of colorum vehicles and those who ask for "kotong." The PACKTAF shall report directly to the President all investigations and provide top level liaison to transport groups.
- j. Perform such other powers and functions as may be necessary for the effective discharge of its mandate as may be assigned by the President.

Section 9. *Support* - The various departments, bureaus, offices, agencies and instrumentalities are hereby directed to extend assistance and cooperation to the Task Force in accomplishing its mandate.

Section 10. *Coordinating Instructions* - Nothing in this Administrative Order shall be construed as a derogation of the PNP's role as the primary general law enforcement agency of the country pursuant to Republic Act 6975 and Republic Act No. 8551.

Section 11. *Budget* - The amount of Thirty Million (P30,000,000) pesos is hereby appropriated as its initial fund. The fund shall be taken from any of the corporations supervised by the Department of Energy (DOE).

Section 12. *Repeal* - All other issuances, orders, rules and regulations, or parts thereof, inconsistent with this Administrative Order are hereby repealed or modified accordingly.

Section 13. *Effectivity* - This Administrative Order shall take effect immediately upon approval.

Done in the City of Manila, this 27th day of November, 2007.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2007). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 213
AUTHORIZING THE GRANT OF PERFORMANCE BONUS FOR FY 2007

WHEREAS, the robust growth of the economy and the commendable effort exerted by government agencies in attaining efficiency in government operations have contributed to the generation of savings;

WHEREAS, government personnel have contributed to this effort by discharging their duties with dispatch and providing quality service to the Filipino people;

WHEREAS, the government is cognizant of the contribution of government personnel in this effort;

WHEREAS, it is the policy of the government to improve the economic welfare of government personnel;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. All personnel of the government who are employed by National Government Agencies (NGAs) and Government Owned or Controlled Corporations (GOCCs) including Government Financial Institutions (GFIs), whether hired on permanent, temporary, casual or contractual basis, and who have rendered at least four (4) months of service as of November 30, 2007, are entitled to receive a one time grant of a maximum of **Ten Thousand Pesos (P10,000.00)** each as Performance Bonus (PerB).

SECTION 2. Government personnel who have rendered less than four (4) months of service as of November 30, 2007 shall also be entitled to PerB on a pro-rated basis, as follows:

Length of Service	Percentage
3 months but less than 4 months	40%
2 months but less than 3 months	30%
1 month but less than 2 months	20%
Less than 1 month	10%

SECTION 3. The PerB shall be granted to all government personnel who have not received any additional year-end benefit in FY 2007, over and above the benefit authorized under R.A. No. 6686, as amended by R.A. No. 8441.

SECTION 4. Funds needed to implement this Order shall be charged against the following:

- a. For national government agencies **except** the Constitutional Offices/Fiscal Autonomy Group (CFAG), the amount required shall be charged against:
 - 1) Additional funds to be released by the DBM to cover P7,000 for each government personnel, chargeable against savings from the unreleased appropriations under the FY 2007 budget which shall be pooled by DBM for the purpose; and

- 2) Savings in the respective agency allotment for the remaining P3,000 for each government personnel. In the event that the agency savings is insufficient to cover in full the remaining P3,000 per employee, partial implementation of the benefit herein authorized shall be made, provided that said partial implementation shall be uniform for all positions, subject to the limitations set forth under Section 2 of this Order.
- b. For agencies belonging to the CFAG, the amount required shall be charged against their available savings;
- c. For GOCCs and GFIs, the amount needed shall be charged against savings from their respective approved corporate budget.

GOCCs and GFIs which do not have adequate or sufficient resources may partially implement the benefit herein authorized, provided that the partial implementation shall be uniform for all positions.

SECTION 5. Payment of this benefit shall be made not earlier than December 15, 2007.

SECTION 6. The implementing rules and regulations covering this Order shall be issued by the DBM.

SECTION 7. This Order shall take effect immediately.

DONE in the City of Manila, this 12th day of December, in the year of our Lord, Two Thousand and Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 214

DIRECTING THE NATIONAL HISTORICAL INSTITUTE TO ORGANIZE THE OBSERVANCE
OF THE 111TH ANNIVERSARY OF THE MARTYRDOM OF DR. JOSE RIZAL ON
DECEMBER 30, 2007

WHEREAS, December 30, 2007, marks the 111th Anniversary of the martyrdom of Dr. Jose Rizal, our national hero;

WHEREAS, the entire country will be commemorating this momentous occasion, and the National Historical Institute is the agency best fit to organize programs/activities in the observance of this significant event.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby direct the National Historical Institute (NHI) to organize the observance of the 111th Anniversary of the Martyrdom of Dr. Jose Rizal on December 30, 2007.

The Department of Budget and Management is hereby authorized to release the amount of TWO MILLION PESOS (P2,000,000.00), chargeable against the regular budget of the National Historical Institute per General Appropriation Act (GAA) of 2007 and from other savings to defray the expenses for the Year 2007 activities commemorating the heroic martyrdom of Dr. Jose Rizal.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 17th day of December, in the year of Our Lord, Two Thousand and Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 215
TAKING STRONG AND CLEAR ACTION FOR OVERSEAS FILIPINO WORKERS WITH
IMMEDIATE BENEFIT

WHEREAS, there is need to take strong and clear action for Overseas Filipino Workers with immediate benefit,

I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by law do hereby order:

Section 1. The Department of Labor and Employment (DOLE) shall lower fees for Overseas Filipino Workers (OFWs).

Section 2. The DOLE shall set up a global help line for OFWs needing assistance, especially against unscrupulous practices.

Section 3. The Cabinet representative to the Monetary Board shall urge the Board to consider cutting, if not stopping, dollar borrowings in 2008.

Section 4. The Department of Finance shall prepay foreign obligations to reduce external debt and stem the peso's rise.

Section 5. The Land Bank shall fasttrack cheaper remittance service.

Section 6. DOLE shall work on reviewing and strengthening laws, policies and programs against recruiters, employers and other parties violating OFW rights and employment conditions.

DONE on this 17th day of December, in the year of our Lord, Two Thousand and Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 216
JUMPSTARTING INITIATIVES IN EDUCATION, JOB TRAINING AND THE FIGHT
AGAINST SMUGGLING

WHEREAS, there is a need to jumpstart initiatives in education, job training and the fight against smuggling,

I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by law, do hereby order:

Funds shall be sourced under the reenacted budget of:

1. Five Hundred Million Pesos (P500,000,000.00) for rural investment and development initiatives;
2. Five Hundred Million Pesos (P500,000,000.00) for English education and job training for urgently needed skills; and
3. One Hundred Million Pesos (P100,000,000.00) for anti-smuggling efforts and gear, especially for:
 - a) GPS tracking of trucks carrying cargo to and from bonded warehouses;
 - b) Intelligence gathering in some 100 private ports nationwide (now minimally watched by the Bureau of Customs);
 - c) Monitoring and tagging of petroleum products; and
 - d) Rewards for tips from here and abroad on contraband shipments.

DONE in the City of Manila on this 28th day of December, in the Year of Our Lord, Two Thousand and Seven.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2007). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 217

DESIGNATING THE DEPARTMENT OF FOREIGN AFFAIRS AS THE LEAD AGENCY TO ORGANIZE THE PHILIPPINE HOSTING OF THE SECOND MEETING OF THE GLOBAL FORUM ON MIGRATION AND DEVELOPMENT (GFMD) AND ITS RELATED MEETINGS AND ACTIVITIES

WHEREAS, the Philippines sponsored the inclusion of the migration in the outcome document of the High Level Plenary Meeting of the United Nations (UN) General Assembly in 2005, as well as the holding of the UN Level Dialogue on Migration and Development in September 2006;

WHEREAS, the First Meeting of the Global Forum on Migration and Development (GFMD) was held in Belgium in July 2007 as a follow-up to the UN High Level Dialogue on Migration and Development;

WHEREAS, the Philippines will host the Second Meeting of the GFMD in October 2008 in view of its leading role in the field of migration;

WHEREAS, there is a need to constitute a national committee to organize and carry out efficiently and effectively all the scheduled activities relative to the Second Meeting of the GFMD, and other related meetings thereto;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Lead Agency – The Department of Foreign Affairs (DFA) shall be the lead agency to organize the hosting of the Second Meeting of the GFMD.

SECTION 2. Agency Support – The DFA shall coordinate the integrated assistance by seeking technical, financial and administrative support from the Office of the Executive Secretary (OES), Department of Labor and Employment (DOLE), Department of Social Welfare and Development (DSWD), Department of Health (DOH), National Economic and Development Authority (NEDA), Bangko Sentral ng Pilipinas (BSP), Department of Budget and Management (DBM), Department of Tourism (DOT), Department of Finance (DOF), Department of Trade and Industry (DTI), Department of Public Works and Highways (DPWH), Department of National Defense (DND), Department of the Interior and Local Government (DILG), Department of Transportation and Communications (DOTC), Department of Education (DepEd), Commission on Higher Education (CHED), Department of Justice (DOJ), Bureau of Immigration (BI), National Bureau of Investigation (NBI), Office of the Press Secretary (OPS), Public Information Agency (PIA), Manila International Airport Authority (MIAA), National Center for Culture and the Arts (NCCA), Radio-Television Malacañang (RTVM), Population Commission (PopCom), and from the private sector.

SECTION 3. Tasks and Functions – The DFA shall perform the following tasks and functions:

- 3.1 Formulate and recommend a work program and budget plan for the hosting of the Second Meeting of the GFMD to the President within ninety (90) days from the signing of this Administrative Order;

- 3.2 Implement the work program once approved by the President and supervise and monitor all activities in relation thereto;
- 3.3 Call upon any official, agent, employee, agency or instrumentality of the national or local government for any assistance that may be necessary to ensure the success of the Philippine hosting of the Second Meeting of the GFMD;
- 3.4 Engage the support, assistance and cooperation of the private/business/media/academe sector and non-governmental organization in the preparations and conduct of the meetings;
- 3.5 Create committees, task forces and other appropriate bodies to effectively carry out its objectives; and
- 3.6 Subject to existing laws, rules and regulations, enter into agreements and contracts necessary for the attainment of the objectives of this Administrative Order, including memoranda of understanding on financial assistance from donor countries or agencies, contracts for services, and other related tasks.

SECTION 4. Special Envoy for GFMD – The Undersecretary for Migrant Workers’ Affairs of the DFA is designated as Special Envoy to GFMD to make representation on behalf of the country for the following purposes:

- 4.1 Attend relevant meetings, forums, and dialogues concerning the issues of migration and development, in general, and the GFMD process in particular;
- 4.2 Present the Philippine position on issues relating to migration and development, and showcase the country’s experiences in these fields, particularly on labor migration;
- 4.3 Explore possible partnerships with other UN Member Countries called “Friends of the Forum” as well as other international organizations involved in the GFMD;
- 4.4 Enter into contracts or agreements necessary to implement the Philippine plan for the hosting of the Second Meeting; and
- 4.5 Present to the international community the Philippine plan for its hosting of the Second Meeting in Manila this year.

SECTION 5. Funding – The funding requirement for the preparation and hosting of the Second Meeting of the GFMD in the amount of One Hundred Million Pesos (PhP 100 Million) shall be charged against the DFA’s International Commitment Fund for the year 2008. Additional Funds, as may be necessary, shall be sourced from any available funds as may be determined by the Secretary of Budget and Management.

SECTION 6. Administrative Guidelines/Order – The DFA may adopt such administrative guidelines or regulations as may be necessary to achieve the objectives of this Administrative Order.

SECTION 7. Effectivity – This Administrative Order shall take effect immediately.

DONE in the City of Manila, Philippines, on this 21st day of January, in the year of our Lord, Two Thousand and Eight.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 218

REORGANIZING THE DEPARTMENT OF NATIONAL DEFENSE TO STRENGTHEN ITS CAPABILITY AND ENSURE ITS EFFICIENCY TO ADEQUATELY RESPOND TO CURRENT EXIGENCIES IN NATIONAL SECURITY, TO ACHIEVE THE IMPLEMENTATION OF ITS DEFENSE REFORM PROGRAM, AND TO ATTAIN ALL ITS OTHER LEGALLY MANDATED GOALS

WHEREAS, Executive Order (EO) No. 292, otherwise known as the Revised Administrative Code of 1987 and EO 112, series of 1999, define the mandate of the Department of National Defense (DND) as follows: guard against external and internal threats to national security, promote the welfare of soldiers and veterans, and provide support to socio-economic development;

WHEREAS, there is urgency for the DND and the Armed Forces of the Philippines (AFP) to comply with the President's mandate as declared during the 71st Anniversary of the AFP on December 21, 2006, to wit: "to achieve a strategic defeat of the communist terrorist movement by 2010, to destroy the Abu Sayaff and other terrorist groups, and to contain the secessionist groups in order to establish a physically, and psychologically secure environment conducive to national development";

WHEREAS, in view of the need, now more than ever, to improve the capability and capacity of the DND – AFP to address the threats to national security, the full actualization of the AFP Modernization Program pursuant to R.A. 7898 is deemed an imperative;

WHEREAS, there is a need to strengthen the Department's Bids and Awards Committee that would conduct all its activities not only with efficiency but also with utmost regularity to complement the need to fast track the capability upgrade and modernization of the AFP with the acquisition of all military hardware;

WHEREAS, the DND is now fast-tracking the implementation of the Philippine Defense Reform Program; and there is a need to make the DND organization more attuned with the requirements of said program;

WHEREAS, under Administrative Order 167, series of 2006, the Department was reorganized with a view of making the same more responsive in fulfilling its mandate;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. New Organizational Structure of the Department of National Defense. The DND shall be reorganized as follows:

- A. There shall be five (5) Offices for Undersecretary positions, namely:
 - i) Defense Affairs (OUSDA)
 - ii) Civil Veterans and Reserve Affairs (OUSCVRA)
 - iii) Legal Affairs and Strategic Concerns (OUSLASC)

- iv) Internal Affairs (OUSIA)
- v) Finance and Armed Forces Modernization Affairs (OUSFAFMA)

The USDA, USCVRA and USLASC positions shall be filled by way of regular appointments, whereas, the USIA and USFAFMA shall be filled by way of seconding Presidential Assistants to the DND.

B. There shall be five (5) Offices for Assistant Secretary positions to handle five (5) Executive Staff functions, namely:

- i) Plans and Programs (OASPP)
- ii) Acquisitions, Installations and Logistics (OASIL)
- iii) Strategic Assessment (OASSA)
- iv) Comptrollership (OASComp)
- v) Personnel (OASPer)

All the Assistant Secretary positions shall be filled by way of regular appointments.

C. There shall be four (4) director-level offices namely:

- i) Executive Staff:
 - Public and Legislative Affairs (OPLA)
 - Legal Service (OLS)
- ii) Service Staff:
 - Administrative Services Office (ASO)
 - Information Management Office (IMO)

All the director-level positions shall be filled by way of regular appointments.

Section 2. Re-Assignment of Respective Functional Areas to Second Level Positions of the Department:

A. The Functional Areas assigned to the Office of the Undersecretary for Defense Affairs (OUSDA) shall be as follows:

- i) Monitoring of operations of the Armed Forces of the Philippines
- ii) Defense Policy
- iii) Defense Intelligence
- iv) Civilian Armed Forces Geographical Units
- v) Maritime Security and Coast Watch
- vi) Supervision of the National Defense College of the Philippines

The Staff for Plans and Programs shall report to the Undersecretary for Defense Affairs.

B. The functional areas assigned to the Office of Undersecretary for Civil, Veterans and Reserve Affairs (OUSCVRA) shall be the following:

- i) Civil Relations
- ii) Reserve Force Development
- iii) Civil Military Operations

- iv) National Reconciliation Development and the Peace Process
- v) Veterans and Retirees Affairs
- vi) Support to socio-economic development
- vii) Supervision of the following DND bureaus and offices:
 - Philippine Veterans Administration Office (PVAO), including Veterans Memorial Medical Center (VMMC) and Military Shrines Service (MSS)
 - Office of the Civil Defense (OCD)
- viii) Supervision of the following DND-AFP corporations and institutions:
 - Philippine Veterans Industrial Development Corporation (PVIDC)
 - Philippine Veterans Bank (PVB)
 - Veterans Federation of the Philippines (VFP)
 - AFP Retirement Separation and Benefit System (AFPRSBS)

C. The functional areas assigned to the Undersecretary for Legal Affairs and Strategic Concerns (USLASC) shall be as follows:

- i) Legal matters and strategic concerns
- ii) Legislative and public affairs
- iii) Strategic assessment
- iv) International Policy
- v) Counter-Terrorism
- vi) Human Rights
- vii) DND Representative to the Dangerous Drugs Board
- viii) Strategic Communication:
 - Public and Legislative Affairs
 - Public Information
 - Congressional Liaison

The Staff for Strategic Assessment, Office for Legal Affairs, and Office for Public & Legislative Affairs shall report to the Undersecretary for Legal Affairs and Strategic Concerns.

D. The functional areas assigned to the Office of the Undersecretary for Internal Affairs (USIA) shall be the following:

- i) General administration and management of DND Proper
- ii) Administrative services
- iii) Promotion Board
- iv) Management Information System

The Staff for Personnel, Administrative Services Office and Information Management Office shall report to the Undersecretary for Internal Affairs.

E. The functional areas assigned to the Undersecretary for Finance & Armed Forces Modernization Affairs (USFAFMA) shall be the following:

- i) Multi-Year Capability Planning and Execution System
 - ii) Modernization
 - iii) Real Estate
 - iv) AFP Modernization Act Trust Fund
-

- v) DND Bids and Awards Committee
- vi) Supervision of the Government Arsenal

The Staff for Acquisition, Installations and Logistics and Staff for Comptrollership shall report to the Undersecretary for Finance & Armed Forces Modernization Affairs.

F. The following agencies and offices shall directly report to the Secretary of National Defense over whose operations the latter shall have direct control and supervision:

- i) National Disaster and Coordinating Council (NDCC)
- ii) Philippine Defense Reform (PDR) Program
- iii) Office of the Senior Military Assistant (OSMA)
- iv) Internal Audit (IA)
- v) Defense Intelligence Security Group (DISG)
- vi) Protocol Office

Section 3. The Secretary of National Defense is given the authority to periodically review the performance of the department vis-a-vis the fulfillment of its mandate and to effect the necessary changes in the department as the Secretary may deem appropriate based on such periodic review, which changes shall include, but not limited to, the following;

- i) Rotation of Undersecretaries or second level officials and Transfer or Re-assignment of staff assignments of Assistant Secretaries or third level officials of the department as the exigencies of the service may require considering the expertise and skills of the officials concerned;
- ii) Transfer or Re-assignment of the functional areas herein assigned to the Undersecretaries including offices the latter exercise operational or administrative control over;
- iii) Creation of units, task forces and other ad-hoc bodies within the department necessary to implement its mandate subject to existing rules and regulations on rationalization and other pertinent matters; and
- iv) Designation of officials in accordance with existing civil service laws and rules.

Section 4. Transitory Provisions. In the exigency of the service, and notwithstanding the immediately preceding section, the Secretary shall immediately effect the reorganization of the DND Bids and Awards Committee, including the appointment of new members in accordance with existing laws and implementing rules & regulations.

Section 5. Repealing Clause. Administrative Order No. 167, series of 2006, and all other issuances, circulars and orders that are inconsistent with the provisions of this Administrative Order are hereby revoked or amended accordingly.

Section 6. Effectivity. This Administrative Order shall take effect upon publication in a national newspaper of general circulation.

DONE in the City of Manila, this 18th day of January, in the year of Our Lord, Two Thousand and Eight.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 219
CREATING A ONE-STOP-SHOP AND AN INTER-AGENCY COMMITTEE FOR PROCESSING
OF HOUSING PERMITS

WHEREAS, in accordance with Section 9, Article III of the Constitution, the State is mandated to provide decent housing and basic services to the underprivileged and homeless Filipino families;

WHEREAS, the present Administration has embarked on a massive socialized and low-cost housing program to address the growing housing backlog in the country;

WHEREAS, to attain the targets of the housing sector as contained in the Medium Term Philippine Development Plan 2004-2010, there is a need to fast track the approval of housing-related permits to encourage maximum private sector participation in the delivery of housing services;

WHEREAS, to achieve this goal, it is necessary for government agencies involved in the issuance of housing-related permits, clearances, certifications and licenses to closely coordinate to prevent costly delays that hamper housing production;

WHEREAS, Section 20 (b) of Republic Act No. 7279, series of 1992, provides for the creation of One-Stop-Shop offices in the different regions of the country for the processing, approval and issuance of clearances, certifications, permits and licenses;

WHEREAS, Executive Order No. 45, series of 2001, mandates the concerned government agencies to comply with specific time periods in processing applications and issuance of housing-related certifications, clearances, licenses and permits;

WHEREAS, Republic Act No. 9485, series of 2007, or the Anti-Red Tape Act of 2007, was enacted into law to improve efficiency in the delivery of government service to the public by reducing bureaucratic red tape, preventing graft and corruption and providing penalties therefore;

WHEREAS, in the 19th Cabinet Meeting held on 11 September 2007, the President directed all agencies concerned to issue new guidelines or review and amend existing procedures to streamline bureaucratic procedures and hasten government processing and issuance of housing-related certifications, clearances, licenses and permits including the creation of a One-Stop-Shop to assist real estate and subdivision developers in securing necessary permits from local government units and other agencies for housing development;

WHEREAS, there is a need to constitute an Inter-Agency Committee composed of the different government agencies involved in the issuance of housing-related clearances, certifications, licenses and permits to ensure the smooth operationalization of the One-Stop-Shop;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order:

Section 1. *Establishment of One-Stop-Shop (OSS) for Housing Permits.* One-Stop-Shops for Housing Permits shall be established to accept applications and assist developers in securing necessary licenses for housing development. The OSS shall be made up of agencies involved in the issuance of housing-related permits, clearances, certification and licenses, including but not limited to the Housing and Land Use Regulatory Board (HLURB), Department of Agrarian Reform (DAR), Department of

Agriculture (DA), Department of Environment and Natural Resources (DENR) and the Department of the Interior and Local Government (DILG).

Section 2. *Creation of an Inter-Agency Committee for the One-Stop-Shop (IAC-OSS).* There is hereby created an Inter-Agency Committee for the One-Stop-Shop, which shall be composed of the following:

Chairman:	Chairman, Housing and Urban Development Coordinating Council (HUDCC)
Members:	Secretary, DAR Secretary, DA Secretary, DENR Secretary, DILG Chief Executive Officer and Commissioner, HLURB

The IAC-OSS shall have the following functions and responsibilities:

1. Provide policy and operational guidelines to ensure compliance with the processing and issuance of housing-related clearances, certifications, permits and licenses as provided for in Executive Order 45, series of 2001;
2. Ensure the designation of their respective agencies' permanent and alternate representatives to the OSS, and to the extent allowed by law, delegate to them sufficient authority to process and dispose of applications for necessary documents; and
3. Ensure that the objective of this Administrative Order is successfully implemented.

HUDCC, as chair of the IAC-OSS shall have the power to call upon the agencies of the government including the members of the IAC-OSS to ensure the successful implementation of the One-Stop Shop.

Section 3. *HLURB as the Lead Implementing Agency.* The HLURB is directed to lead the implementation and operation of the OSS. As lead implementing agency, the HLURB shall have, but not limited to, the following functions and responsibilities:

1. Oversee the proper implementation and smooth operation of the OSS;
2. Regularly assess and monitor the OSS operations, with the end view of adopting new policies and guidelines to continually improve the OSS; and
3. Recommend improvements in the proper operation of the OSS to the IAC-OSS.

Section 4. *Support from Concerned Agencies and Other Private Sector Groups.* All concerned agencies are hereby directed to provide the necessary support and assistance to the OSS.

The OSS may also invite and call on private sector groups, such as the Chamber of Real Estate and Builders Association, Inc. (CREBA), the Subdivision and Housing Developers Association, Inc. (SHDA), the National Real Estate Association (NREA), other real estate associations, and non-government organizations involved in socialized and low-cost housing projects, to provide input and assistance in the operationalization and monitoring of the OSS.

Section 5. *Funding.* Funding for the establishment and operation of the OSS shall be sourced from the respective budgets of the agencies involved in the OSS.

Section 6. *Repealing Clause.* All executive orders, rules and regulations inconsistent with any provision of this Administrative Order shall be deemed revoked, amended or modified accordingly.

Section 7. *Effectivity.* This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 21st day of January, in the year of Our Lord, Two Thousand and Eight.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2008). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 220

**DIRECTING THE ACTIVE PARTICIPATION OF ALL GOVERNMENT LAWYERS IN THE
INFRASTRUCTURE PROJECTS OF THEIR RESPECTIVE DEPARTMENT/AGENCIES TO FAST-
TRACK THE IMPLEMENTATION THEREOF**

WHEREAS, the National Economic and Development Authority (NEDA) sponsored a National Legal Forum (NLF) on Infrastructure Projects to discuss and determine measures on how to address legal bottlenecks that impede or cause delays in the implementation of public infrastructure projects;

WHEREAS, among the legal bottlenecks identified in that forum was the apparent lack of active participation of department/agency lawyers in critical phases of project development (i.e., from conceptualization, drafting of contracts, to project completion), making public infrastructure projects vulnerable to lawsuits for failure of the proponents to comply with substantive or procedural requirements demanded by law;

WHEREAS, there is a need to actively involve government lawyers in the public infrastructure projects of their respective departments/agencies particularly from conceptualization, the drafting and review of contract, to the termination of the project;

WHEREAS, Book IV, Chapter 3, Section 17 of the Administrative Code of 1987 mandates the Legal Service of every Department in the Executive Branch to provide legal advice, prepare contracts, and interpret legal provisions covering work performed by private entities for their respective offices, among others;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the power vested in me by law, do hereby order:

SECTION 1. All government lawyers are hereby directed to actively participate in every phase (i.e., from conceptualization, drafting of contracts, to project completion, etc.) of any infrastructure projects development of their respective offices to ensure faithful compliance with all legal conditions required by existing laws, rules and regulations in order to minimize, if not altogether eliminate, the delays attributed to protracted litigation for non-compliance therewith.

SECTION 2. All heads of the departments, agencies, bureaus and offices implementing public infrastructure projects shall issue the necessary office circular/order to carry-out the purposes of this Order.

SECTION 3. This Order shall take effect immediately.

DONE in the City of Manila this 30th day of January, in the year of our Lord, Two Thousand and Eight.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 221
ABOLISHING THE OFFICE OF THE PRESIDENTIAL CHIEF OF STAFF AND FOR
OTHER PURPOSES

WHEREAS, Administrative Order No. 62 dated 12 February 2003 created the Office of the Presidential Chief of Staff;

WHEREAS, Administrative Order No. 138 dated 13 January 2006 rationalized the Office of the Presidential Chief of Staff;

WHEREAS, Section 31, Chapter 10, Title II, Book III of Executive Order No. 292, series of 1987, otherwise known as the “Administrative Code of the 1987” gives the President the continuing authority to reorganize the administrative structure of the Office of the President;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order:

Section 1. The Office of the Presidential Chief of Staff, created pursuant to Administrative Order No. 62 dated 12 February 2003, as amended, is hereby abolished. Its properties and resources shall be turned over to the appropriate offices in the Office of the President.

Section 2. Administrative Order No. 62, s. of 2003 and Administrative Order No. 138, s. of 2006 are hereby repealed. All orders, rules, regulations and issuances, or parts thereof, which are inconsistent with this Administrative Order are hereby repealed accordingly.

Section 3. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 26th day of February, in the year of our Lord, Two Thousand and Eight.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 222
CONTINUING THE ADVOCACY FOR AND ACTIVITIES BY THE PROCUREMENT
TRANSPARENCY GROUP

WHEREAS, we must work to fix the corruption that still plagues our nation;

WHEREAS, the Procurement Transparency Group has selected 43 priority projects for monitoring;

NOW, THEREFORE, I, GLORIA M. ARROYO, by the powers vested in me by law do hereby order:

Section 1. All national government agencies, government financial institutions and government-owned and/or controlled corporations shall provide the Procurement Transparency Group (PTG) their annual procurement plans as mandated by the Procurement Act;

Section 2. Agencies implementing the 43 priority projects selected by the PTG shall submit all information requested by it by March 3.

DONE on this 26th day of February, in the Year of Our Lord, Two Thousand and Eight.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 223
**TAKING CONCRETE ACTION TO ADDRESS POVERTY AND PRICES THROUGH MAJOR
LIVELIHOOD AND JOB INITIATIVES**

I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by law, do hereby order:

There shall be emergency employment programs for the youth in the Urban Beltway and countryside public works in summer months, using both regular infrastructure outlays and the Road Board funds. The program should be implemented in the April-May summer construction period. Besides wages, beneficiaries shall be given some quantity of rice.

DONE in the City of Manila, this 11th day of March, in the Year of Our Lord Two Thousand and Eight.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 224

**AUTHORIZING THE SECRETARY OF INTERIOR AND LOCAL GOVERNMENT TO
EXERCISE THE POWER OF APPOINTMENT TO FILL UP EXISTING VACANCIES IN THE
SANGGUNIAN KABATAAN AT THE BARANGAY LEVEL**

WHEREAS, the President exercises general supervision over local governments pursuant to Article X, Section 4 of the 1987 Constitution; Section 18 of the Administrative Code of 1987; and Section 25 of the Local Government Code;

WHEREAS, the Local Government Code and its implementing rules and regulation is silent with regard to the mode of appointment to fill up existing vacancies in the Sanggunian Kabataan;

WHEREAS, the Supreme Court in the case of *Garvida vs. Sales* (271 SCRA 767) ruled that “*the vacancy shall be filled by the SK members chosen by the incumbent SK members by simple majority from among themselves*”.

WHEREAS, the Supreme Court in the case of *Montesclaros vs. Comelec* (384 SCRA 287) has declared that, “*on July 15, 2002, when the SK elections are held, the hold-over period expires and all incumbent SK officials automatically cease to hold their SK offices and their ex-officio public offices*”.

WHEREAS, while it is true that under R.A. 9340, SK officials are given the power to hold-over until their successors shall have been elected and qualified, said hold-over capacity is now legally impossible to implement considering that all SK officials are now beyond the age group of the Katipunan ng Kabataan (KK) which is 15 to less than 18 years old, since the last election held was on July 15, 2002;

WHEREAS, with the expiration of term of the SK officials and the lack of a formal mechanism for the appointment of SK officials, the youth in some barangays have no representatives in the barangay councils;

WHEREAS, the President shall exercise such other powers and functions vested in the President which are provided for under the law and which are not specifically enumerated in the Administrative Code or which are not delegated by the President in accordance with law. (Section 20, Administrative Code of 1987);

WHEREAS, to strengthen the role of the youth in nation-building, it is imperative that the vacancies in the Sanggunian Kabataan be filled up in accordance with the procedure set in the *Garvida* case and confirmed by an appointment pursuant to Article VII, Section 16 of the Constitution;

WHEREAS, this power to appoint may be exercised directly by the President or through his duly authorized delegate;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the power vested in me by the Constitution and existing law do hereby order:

SECTION 1. The Secretary of Interior and Local Government is hereby authorized to exercise the power of appointment, for and in behalf of the President of the Philippines, for purposes of filling up the vacancies in the Sanggunian Kabataan; Provided, however, that the appointment shall be exercised only in the following instances:

- 1.1. In cases where no set of SK officials were elected in the October 29, 2007 Synchronized Barangay and SK elections, due to the fact that nobody filed a certificate of candidacy;
- 1.2. In cases where despite the call for a special election to complete the set of SK officials pursuant to Section 435 (c) of the Local Government Code and DILG Memorandum Circular 2002-205 dated December 23, 2002, still nobody filed a certificate of candidacy;
- 1.3. In cases where SK elections were held but the number of candidates for the positions in the Sangguniang Kabataan is insufficient to complete a new set of SK officers.

SECTION 2. In the appointment herein mentioned, the following shall be the requisites:

a. A recommendation of the majority of the members of Katipunan ng Kabataan embodied in a resolution of the duly constituted Katipunan. The duly constituted Katipunan ng Kabataan, per Section 424 of the Local Government Code, as amended, shall refer to the citizens of the Philippines actually residing in the barangay for at least six (6) months, who are fifteen (15) but less than eighteen (18) years of age on the day of the election, and who are duly registered in the list of the sangguniang kabataan or in the official barangay list in the custody of the barangay secretary.

b. A formal application signifying his interest to be appointed and showing therein that the applicant possesses all the qualifications and none of the disqualification provided in the Local Government Code, as amended.

SECTION 3. The appointee shall serve only the unexpired portion of the term of office of the vacant seat;

SECTION 4. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 27th day of March, in the year of Our Lord, Two Thousand and Eight.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 225
HARNESSING IDLE RESOURCES TO UPLIFT THE POOR AND BOOST RICE SUPPLY TO
CUSHION THE COUNTRY FROM PRICE SPIKES

I, **GLORIA M. ARROYO**, President of the Philippines, by the powers vested in me by law, do hereby order:

Section 1. Government-owned and -controlled corporations, government financial institutions, including the Philippine Gaming Corporation, the Philippine Charity Sweepstakes Office, the Social Security System, the Government Service Insurance System, the National Power Corporation and the Philippine National Oil Company, shall allocate five percent (5%) of their 2007 surplus for projects in rice, low-cost consumer and medicine outlets, Philhealth and microfinance, in accordance with relevant laws, charters and by-laws.

Section 2. The Department of Agriculture, the Department of Social Welfare and Development and the Department of Justice-Office of the Government Corporate Counsel shall provide advice, coordination and technical support to the above-mentioned corporations and institutions in planning and implementing the pro-poor projects.

Section 3. The National Anti-Poverty Commission shall oversee the implementation of this order and validate if the poor do benefit from the projects, which should be started not later than July.

Section 4. The Department of Agriculture shall draw up a plan to utilize idle lands for rice and other food production, consulting with Senator Edgardo Angara, who has advocated additional cultivation of one million hectares.

DONE in the City of Manila, on this 1st day of April, in the Year of Our Lord, Two Thousand and Eight.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 225-A
AMENDING ADMINISTRATIVE ORDER NO. 225 SERIES OF 2008 HARNESSING IDLE
RESOURCES TO UPLIFT THE POOR AND BOOST RICE SUPPLY TO CUSHION THE
COUNTRY FROM PRICE SPIKES

WHEREAS, on April 1, 2008, the Administrative Order No. 225 was issued mandating government-owned and controlled corporations and government financial institutions to allocate five percent (5%) of their 2007 surplus for projects in rice, low cost consumer and medicine outlets, Philhealth and microfinance in accordance with relevant laws, charters and by-laws,

WHEREAS, there is a need to incorporate a provision in the said Order for the effective and synchronized implementation of projects for rice by concerned corporations, financial institutions and agencies,

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by the powers vested in me by law, do hereby order:

Section 1. Section 1 of Administrative Order No. 225 is hereby amended as follows:

“Section 1. Government-owned and controlled corporations, government financial institutions, including the Philippine Amusement and Gaming Corporation, the Philippine Charity Sweepstakes Office, the Social Security System, the Government Service Insurance system, the National Power Corporation and the Philippine National Oil Company, shall allocate five percent (5%) of their 2007 surplus for projects in rice and food production, and as contribution to an Agricultural Guarantee Fund Pool, in accordance with relevant laws, charters and by-laws.

The Agricultural Guarantee Fund Pool shall be used to mitigate the risks involved in agriculture lending, thereby facilitating the provision of credit in the agriculture sector. Such fund shall be placed in trust with the Land Bank of the Philippines for the purpose of providing guarantee cover to participating financial institutions and other parties in extending financing to rice farmers under a common Rice Program and various food production programs. The Department of Agriculture, in coordination with the Land Bank of the Philippines, shall draw up the mechanics and administrative arrangements and issue the implementing guidelines for the Fund Pool.”

Section 2. All other provisions of Administrative Order No. 225, series of 2008 shall remain unchanged, valid and existing.

Section 3. This Administrative Order shall take effect immediately.

Done in the City of Manila, on this 26th day of May, in the year of our Lord, Two Thousand and Eight.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 226
SUSPENDING THE PROCESSING AND APPROVAL OF ALL LAND CONVERSION
APPLICATIONS OF ALL RICE LANDS

WHEREAS, it is the policy of the state as declared under Republic Act No. 8435 to assure the availability, adequacy, accessibility of food supplies to every Filipinos at all times;

WHEREAS, the State shall ensure that the poorer sectors of society have equitable access to resources, income opportunities, basic and support services especially in areas where productivity is low;

WHEREAS, the State shall promote food security, including sufficiency in our staple food, particularly the rice supply;

WHEREAS, to meet the needs of the increasing number of Filipinos, there is a need for the production of rice to be optimized to meet our local needs and consumption;

WHEREAS, to ensure sufficient rice supply there is a need for all lands utilized and intended for rice production to be protected from any other land use or conversion;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution and the law, do hereby order the following:

SECTION 1. That the processing and approval of all land conversions applications affecting rice lands and lands mentioned under Republic Act No. 8435 considered as Network of Protected Areas for Agricultural and Agro-industrial Development (NPAAD) which includes and covers all irrigated areas, all irrigable lands already covered by irrigation projects; all alluvial plain land highly suitable for agriculture whether irrigated or not; Agro-industrial crop lands or lands presently planted to industrial crops that support the viability of existing agricultural infrastructure and agro-based enterprises, highlands, areas located at an elevation of five hundred (500) meters or above and have the potential for growing semi temperate and high-value crops; all agricultural lands that are ecological fragile and mangrove areas and fish sanctuaries shall be temporarily suspended for two (2) years.

SECTION 2. The Department of Agrarian Reform is hereby tasked for the implementation of this order.

SECTION 3. All orders, rules and regulations and issuances or parts thereof inconsistent with this Administrative Order are hereby repealed, amended or modified accordingly.

SECTION 4. This Administrative Order shall take effect immediately after publication in a newspaper of general circulation.

DONE in the City of Manila, Philippines, this 16th day of May, 2008.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 226-A

AMENDING ADMINISTRATIVE ORDER NO. 226, SERIES OF 2008, ENTITLED: “SUSPENDING THE PROCESSING AND APPROVAL OF ALL LAND CONVERSION APPLICATIONS OF ALL RICE LANDS”

WHEREAS, it is the policy of the state as declared under Republic Act No. 8435 to assure the availability, adequacy, accessibility of food supplies to every Filipino at all times;

WHEREAS, the State shall ensure that the poorer sectors of society have equitable access to resources, income opportunities, basic and support services especially in areas where productivity is low;

WHEREAS, the State shall promote food security, including sufficiency in our staple food, particularly rice supply;

WHEREAS, to meet the needs of the increasing number of Filipinos, there is a need for the production of rice to be optimized to meet our local needs and consumption;

WHEREAS, to ensure sufficient rice supply there is a need for all lands utilized and intended for rice production to be protected from any other land use or conversion;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution and the law, do hereby order the following:

SECTION 1. That the processing and approval of all land conversions applications affecting rice lands mentioned under Republic Act No. 8435 considered as Network of Protected Areas for Agricultural and Agro-industrial Development (NPAAD) which includes and covers all irrigated areas, all irrigable lands already covered by irrigation projects shall be temporarily suspended for two (2) years.

SECTION 2. The Department of Agrarian Reform is hereby tasked for the implementation of this order.

SECTION 3. All orders, rules and regulations and issuances or parts thereof inconsistent with this Administrative Order are hereby repealed, amended or modified accordingly.

SECTION 4. This Administrative Order shall take effect immediately after publication in a newspaper of general circulation.

DONE in the City of Manila, this 14th day of July, 2008

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 227

DIRECTING ALL HEADS OF DEPARTMENTS, BUREAUS, OFFICES AND AGENCIES OF THE NATIONAL GOVERNMENT, INCLUDING LOCAL GOVERNMENT UNITS (LGUs); GOVERNMENT-OWNED AND/OR CONTROLLED CORPORATIONS (GOCCs), GOVERNMENT FINANCIAL INSTITUTIONS (GFIs), STATE UNIVERSITIES AND COLLEGES AND MILITARY AND POLICE UNITS TO GIVE PREFERENCE IN THE PROCUREMENT OF MATERIALS AND SUPPLIES, PRODUCED, MADE AND MANUFACTURED IN THE PHILIPPINES

WHEREAS, Section 12, Article XII of the Constitution provides that the State shall promote the preferential use of Filipino labor, domestic materials and locally produced goods, and adopt measures that help make them competitive;

WHEREAS, that Republic Act No. 138, as amended, also known as the “Flag Law”, mandates the Government to give preference to the procurement of local products, materials and supplies;

WHEREAS, the Administration’s Ten (10) Points agenda on alleviating poverty through the generation of six to eight million jobs for the Filipinos can be achieved by boosting the country’s local industries;

WHEREAS, the Philippine industries produce or manufacture world class products, materials and supplies which are at par, if not even better, quality than imported products;

WHEREAS, local industries can provide and deliver readily available products, materials and supplies that are sufficient and quantity;

WHEREAS, credit lines and better after sales services, which are essential factors considered by the buyer in the procurement process, are provided by local industries;

WHEREAS, patronizing and buying locally produced or manufactured products, materials and supplies maintain, retain and provide additional employment in all vital Philippines industry sectors;

WHEREAS, buying locally produces or manufactures products, materials and supplies will help conserve our foreign exchange reserves;

WHEREAS, preference to locally produced or manufactured products, materials and supplies is justifiable for the reason that taxes generated by the Government come from taxable income of Philippine industries, thereby maintaining a mutually beneficial economic relationship;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Sec. 1. Coverage – All Heads of Departments, Bureaus, Offices and Agencies of the National Government, including Local Government Units (LGUs); Government-Owned and/or Controlled Corporations (GOCCs), Government Financial Institutions (GFIs), State Universities and Colleges, and Military and Police Units shall give preference in the procurement of materials and supplies, produced, made, and manufactured in the Philippines that meet the specified or desired quality in accordance with the provisions of existing laws and treaties or international agreements.

Sec. 2. Local Products, Materials and Supplies Defined. – Local products, materials and supplies refers to: (a) unmanufactured articles, materials and supplies of the growth or production of the Philippines; and (b) manufactured articles, materials and supplies of the growth or production in the Philippines substantially from articles, materials and supplies of the growth, production or manufacture of the Philippines.

Sec. 3. Procurement of Imported Goods. – The procurement of imported goods may be allowed if local products, materials, and supplies are not manufactured domestically in sufficient quantity, or comparable quality, and at reasonable prices.

Sec. 4. Issuance of the Implementing Rules and Regulations. – The Government Procurement Policy Board shall promulgate the implementing rules and regulations governing this Administrative Order within thirty (30) days from the date of its effectivity.

Sec. 5. Penalties. – Any violation of the provisions of this Administrative Order shall be dealt with administratively, civilly and criminally under existing laws, rules and regulations.

Sec. 6. Repealing Clause. – All issuances, orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Administrative Order are hereby revoked and/or modified accordingly.

Sec. 7. Effectivity. – This Administrative Order takes effect after fifteen (15) days following the completion of its publication in a newspaper of general circulation.

DONE, in the City of Manila this 27th day of May, in the year of Our Lord Two Thousand and Eight.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO ERMITA

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 228
ADDRESSING THE RISING COST OF ENERGY

I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by law, do hereby order:

Section 1. All agencies shall reduce transport fuel consumption in liters by ten percent (10%) starting June 2008.

Section 2. Government buildings shall turn off airconditioners at 4:30 p.m., except those with 24-hour work.

Section 3. Agencies shall implement, starting July, plans to replace all incandescent bulbs.

Section 4. Agencies shall convert twenty percent (20%) of their vehicles in major cities to liquid petroleum by September 2008.

Section 5. Agencies shall install and/or adopt other energy saving technology, with the help of the Department of Energy and/or the Department of Science and Technology.

DONE on this 2nd day of June, in the year of Our Lord, Two Thousand and Eight.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 229

CREATING THE INTER-AGENCY TASK FORCE FOR THE SENATE CONCURRENCE ON THE
RATIFICATION OF THE CHARTER OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS
(ASEAN CHARTER)

WHEREAS, the ASEAN Charter was signed by Heads of States of the ASEAN Member States on 20 November 2007 in Singapore;

WHEREAS, Chapter XIII, Article 47(2) of the ASEAN Charter provides that it shall be subject to ratification by all ASEAN Member States in accordance with their respective internal procedures;

WHEREAS, Chapter XIII, Article 47(4) further provides that the Charter shall enter into force on the thirtieth day following the date of deposit of the tenth instrument of ratification with the Secretary-General of ASEAN;

WHEREAS, the ASEAN Charter has been determined to be a treaty and, therefore, requires Senate concurrence after executive ratification, pursuant to Executive Order No. 459, series of 1997, providing for the guidelines in the negotiation of international agreements and its ratification;

WHEREFORE, there is a need to create a Task Force composed of different government agencies, which will be tasked to put forward to the Senate the benefits, advantages and opportunities to the Philippines of an ASEAN Charter.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Creation of an ASEAN Charter Task Force. – An ASEAN Charter Task Force (ACTF) is hereby created to act with resolve and urgency for the concurrence in the ratification of the Treaty by the Senate;

Sec. 2. Composition. – The Task Force shall be composed of representatives from the following government agencies:

1. Department of Foreign Affairs
2. Department of Trade and Industry
3. Department of Justice
4. Department of National Defense
5. Department of Labor and Employment
6. Office of the Solicitor General
7. National Economic and Development Authority
8. National Security Council
9. National Anti-Poverty Commission

Each government agency enumerated above shall have one (1) representative who shall at least be a third ranking official of the concerned agency. Other government offices, private groups or resource persons may be invited to join the Task Force as may be necessary.

The Department of Foreign Affairs shall act as the Task Force Chair.

Sec. 3. Functions. – The Task Force shall have, among others, the following functions:

1. To coordinate with other agencies of government the necessary information required for Senate concurrence in the ratification of the ASEAN Charter;
2. To organize the resource documents pertinent to the Senate hearings on the ASEAN Charter;
3. To attend the hearings on the ASEAN Charter in the Philippine Senate, and
4. To perform such other functions as may be directed by the President.

Sec. 4. Secretariat and Technical Support. – The Department of Foreign Affairs shall provide secretariat support to the Task Force. Each agency shall designate a team to act as technical arm of the Task Force.

Sec. 5. Funding. – Financial requirements that may be needed by the Task Force shall be sourced out by the Department of Budget and Management from available funds of the concerned agencies forming part of the Task Force, subject to the usual government accounting and auditing rules and regulations.

Sec. 6. Effectivity. – This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 18th day of June, in the year of our Lord, Two Thousand and Eight.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 230
CREATING A TASK FORCE FOR AN INTEGRATED REHABILITATION AND RESTORATION
PROGRAM IN THE ISLAND OF PANAY

WHEREAS, typhoon “Frank” has devastated Panay Island comprising the provinces of Iloilo, Capiz, Aklan and Antique and other parts of the country, resulting in the great loss of lives and injuries, the displacement of thousands of families, and extensive damage to properties, crops and infrastructure in these areas;

WHEREAS, there is a need to coordinate the rehabilitation and restoration efforts among the concerned local government units and national agencies; and

WHEREAS, the creation of a special body that would facilitate the coordination and implementation of plans, programs and projects for area-wide rehabilitation and restoration;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *Creation of the Panay Island Rehabilitation and Restoration Task Force.* — There is hereby created a Task Force designated as the Panay Island Rehabilitation and Restoration Task Force (hereafter referred to as “Task Force”) to undertake integrated rehabilitation efforts and restoration activities in the damaged provinces and cities in Western Visayas.

SECTION 2. *Composition.* — The Task Force shall be chaired by the Secretary of Justice, who is also the Cabinet Officer for Regional Development (CORD) of Region VI, and shall be composed of the following as members:

- a. Chairman of the Regional Development Council of Region VI;
- b. Governors and City Mayors of affected provinces and cities;
- c. Chairman of the Housing and Urban Development Coordinating Council;
- d. Department of Agriculture;
- e. Department of Social Welfare and Development;
- f. Department of Public Works and Highways;
- g. Department of Environment and Natural Resources;
- h. Department of Budget and Management;
- i. Department of Transportation and Communications;
- j. Department of Energy;
- k. Department of Education;
- l. Department of Trade and Industry;
- m. Department of Labor and Employment;
- n. Department of National Defense;
- o. Department of the Interior and the Local Government; and
- p. Private Sector representatives designated by the Chairman.

Concerned agencies organizations, as may be determined by the Chairman of the Task Force, may be designated as *ex-officio* members.

SECTION 3. Powers and Functions. — The *Task Force Panay* shall have the following powers and functions:

- a. Develop area-wide rehabilitation and restoration programs and projects;
- b. Undertake broad-based consultations with concerned agencies and People's Organizations (POs)/NGOs to insure that their needs, concerns and ideas are considered in the formation of rehabilitation and restoration programs and the corresponding projects to be undertaken;
- c. Establish priorities based on the identified programs and projects;
- d. Access funds, services and other resources from existing government programs and projects, where feasible;
- e. Allocate resources and coordinate fund release and other resources based on the identified priorities;
- f. Evaluate and monitor the implementation of the projects;
- g. Evaluate the effectiveness of the implementation of the projects;
- h. Submit progress and other necessary reports to the President, copy furnished the Executive Secretary and the Chairman of the National Disaster Coordinating Council (NDCC);
- i. Call on any government agency or instrumentality for any support requirement; and
- j. Perform such other functions and responsibilities as the President may direct.

SECTION 4. Executive Director. — The Executive Director of the Task Force shall be the Presidential Assistant for the Western Visayas. He shall manage and supervise the day-to-day implementation of the plans, programs and projects of the Task Force and prepare progress reports to the President, through the Chairman of the Task Force.

SECTION 5. Staff Support. — The support staff may be detailed from government agencies/offices, including local government units of the typhoon-damaged provinces and municipalities. A consultant may be contracted as needed by the Task Force.

SECTION 6. Role of Municipal Mayors. — The Municipal Mayors shall act as advisers to their respective Governors and render assistance in the implementation of the programs and projects of the Task Force in their respective cities/municipalities. They shall also monitor and submit independent reports and recommendations on the Task Force programs and projects in their respective cities/municipalities.

SECTION 7. Implementation of Task Force Projects. — The programs and projects of the Task Force shall be implemented by concerned national agencies and/or local government units depending upon the nature, size and location of the program or project. Where their participation is feasible, the local government units and other organizations, such as the Parents-Teachers associations, local school boards and cooperatives, shall be tapped to assist or participate in the implementation of the programs and projects of the Task Force.

SECTION 8. Relationship with the Office of the President and the National Disaster Coordinating Council. — The Task Force shall operate directly under the Office of the President. The National Disaster Coordinating Council shall assist and support the Task Force in the accomplishment of its mission.

SECTION 9. *Funding.* — The administration and operation of the Task Force shall initially be funded from the Office of the Secretary of Justice and other available sources, including from the departments and corporate agencies.

SECTION 10. *Effectivity.* — This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 25th day of July, in the year of Our Lord, Two Thousand and Eight.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 231
REORGANIZING THE CABINET GROUPS

WHEREAS, Administrative Order No. 104 dated 7 September 2004 provided for Cabinet groups to enable the Government to address major concerns in the implementation of the Administration's 10-point agenda;

WHEREAS, Section 31, Chapter 10, Title III, Book III of Executive Order No. 292, series of 1987, otherwise known as the "Administrative Code of 1987" provides that the President shall have continuing authority to reorganize the administrative structure of the Office of the President:

NOW, THEREFORE, I, GLORIA M. ARROYO, President of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order:

SECTION 1. National Anti-Poverty Commission (NAPC) Cabinet Group. – The Cabinet Members who shall be members of the En Banc NAPC and shall be known as the NAPC Cabinet Group are the following:

Secretary-General, National Anti-Poverty Commission
Secretary, Department of Agrarian Reform
Secretary, Department of Education
Secretary, Department of Health
Secretary, Department of Labor and Employment
Secretary, Department of Social Welfare and Development
Chairman, Commission on Higher Education
Chairman, Technical Education and Skills Development Authority
Chairman, Commission on Filipinos Overseas

SECTION 2. National Economic and Development Authority (NEDA) Cabinet Group. – The Cabinet Members who shall be members of the NEDA Board and who shall be known alternatively as the NEDA Cabinet Group or the Economic Managers are the following:

Director-General, National Economic and Development Authority
Chairman, Housing and Urban Development Coordinating Council
Secretary, Department of Agriculture
Secretary, Department of Budget and Management
Secretary, Department of Energy
Secretary, Department of Environment and Natural Resources
Secretary, Department of Finance
Secretary, Department of Public Works and Highways
Secretary, Department of Science and Technology
Secretary, Department of Tourism

Secretary, Department of Trade and Industry
Secretary, Department of Transportation and Communications
Chairman, Metro Manila Development Authority
Chairman, Commission on Information and Communication Technology
Director-General, Presidential Management Staff

SECTION 3. National Security Council (NSC) Cabinet Group. – The Cabinet Members who shall be members of the NSC and shall be known as the NSC Cabinet Group are the following:

National Security Adviser
Secretary, Department of Foreign Affairs
Secretary, Department of National Defense
Secretary, Department of the Interior and Local Government
Secretary, Department of Justice
Press Secretary
Presidential Adviser on the Peace Process
Director-General, Philippine Information Agency

SECTION 4. National Security Council Executive Committee. – There shall be a National Security Council Executive Committee composed of the following:

The President as Chairman
Director-General, National Security Council
Secretary, Department of the Interior and Local Government
Secretary, Department of Defense
Secretary, Department of Justice

SECTION 5. Executive Secretary. – The Executive Secretary shall be a member of all Cabinet Groups.

SECTION 6. Repealing Clause. – All executive issuances, rules and regulations or parts thereof which are inconsistent with the provisions of this Administrative Order are hereby repealed or modified accordingly.

SECTION 7. Effectivity. – This Administrative Order shall take effect immediately.

City of Manila, 30 June 2008

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 232
SOCIAL WELFARE REFORMS

WHEREAS, the Arroyo Administration plans on working hard the next two years to fulfill its Philippine Reform Agenda;

WHEREAS, there is still time to generate social impact if efforts are targeted;

WHEREAS, a Presidential Task Force to assess, plan and monitor the entire educational system was created, headed by Ateneo President Father Bienvenido Nebres and Secretary Romulo Neri, who was designated Acting Chairman of the Commission on Higher Education for the purpose;

NOW, THEREFORE, I GLORIA M. ARROYO, President of the Republic of the Philippines, by the powers vested in me by law, do hereby order:

Section 1. The existing programs of the Department of Social Welfare and Development, the Department of Health, the Government Service Insurance System, the Social Security System (SSS), and other agencies dealing with social welfare shall be clustered together into a national social welfare program that directly addresses the impact of the adverse global environment.

Section 2. The work of clustering shall be headed by the Administrator of the SSS, who shall be granted Cabinet rank.

Manila, 08 July 2008

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT OF THE PHILIPPINES
MALACAÑANG

ADMINISTRATIVE ORDER NO. 232-A
FURTHER STRENGTHENING THE CLUSTERING OF THE SOCIAL WELFARE REFORMS
INTO A NATIONAL SOCIAL WELFARE PROGRAM

WHEREAS, Administrative Order No. 232 (AO 232) provided for the clustering of the existing programs of agencies dealing with social welfare into a national social welfare program;

WHEREAS, AO 232 provided that the work of clustering shall be headed by the Administrator of the SSS;

WHEREAS, non-wage benefits for the labor sector should be integrated into the program;

WHEREAS, planning background of the new Administrator of the Social Security System should be made good use of;

WHEREAS, the Department of Social Welfare and Development is already organized to execute a national social welfare program;

NOW, THEREFORE I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in my by law, do hereby order:

Section 1. There is hereby created a small group of visible frontline Departments and Palace Agencies such as the Department of Social Welfare and Development (DSWD), the Government Service Insurance System, the Social Security System, (SSS) the Department of Labor and Employment to launch the national social welfare program.

Section 2. The Administrator of the SSS shall be the Chairman of the policy-level group.

Section 3. The actual implementation of the program shall be coordinated by the Secretary of the DSWD, which shall act as the Secretariat for the program.

Section 4. This Administrative Order shall take effect immediately.

Manila, 28 July 2008

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 233

**REITERATING THE PROHIBITION ON THE ACQUISITION AND USE OF LUXURY
VEHICLES AND DIRECTING REVISIONS OF GUIDELINES ON GOVERNMENT MOTOR
VEHICLES ACQUISITION**

WHEREAS, the current Administration is steadfast in its goal to utilize government resources judiciously;

WHEREAS, the Government must set the highest standard of parsimony and efficiency in public spending;

WHEREAS, the Philippines is a major user of imported oil with the transport and automotive industries accounting for about sixty percent (60%) of the country's total petroleum consumption;

WHEREAS, the Government should set aside and provide the example in the efforts to reduce the country's dependence on imported fuels and to foster energy self-reliance by promoting the use of alternative fuels;

WHEREAS, the acquisition of government motor vehicles should be guided by the principles of functional suitability, affordability and practicability, and must strictly comply with RA No. 8749, known as "The Clean Air Act of 1999";

WHEREAS, the recent trends in the automotive industry have rendered the current guidelines on motor vehicles' specifications outdated;

WHEREAS, the process of acquiring new motor vehicles could be further streamlined;

NOW, THEREFORE, I, GLORIA MACAPAGAL ARROYO, President of the Republic of the Philippines, by virtue of the powers vested of the powers vested in me by law, do hereby order:

1.0 All government offices, including Government-Owned or Controlled Corporations (GOCCs), Government Financial Institutions (GFIs), State Universities and Colleges (SUCs) and Local Government Units (LGUs), are hereby prohibited from acquiring and/or using luxury vehicles for their operations.

2.0 For the purpose of this Order, a "luxury vehicle" shall refer to any motor vehicle with the following technical specifications:

- 2.1 Car (sedan or hatchback) with an engine displacement exceeding 2200cc, if gasoline-fed; or 3000cc, if diesel-fed; and with an engine exceeding 4 cylinders;
- 2.2 Passenger van or pick-up type vehicle with an engine displacement exceeding 2200cc, if gasoline-fed; or 3000cc, if diesel-fed; and with an engine exceeding 4 cylinders;
- 2.3 Crossover Utility Vehicle (CUV)¹/Multi-Purpose Vehicle (MPV)/Asian Utility Vehicle (AUV) with an engine displacement exceeding 2000cc, if gasoline-fed; or 2500cc, if diesel-fed; and with an engine exceeding 4 cylinders;

¹ A new classification from the auto industry, CUV is categorized as a light commercial vehicle but with higher specifications than an AUV. It has the cargo and passenger carrying space of a passenger wagon/minivan, the aerodynamics and sleekness of a car, and the rugged looks and feel of SUV. MPV has a similar feature and is just a sub-classification of an AUV.

2.4 Sports Utility Vehicle (SUV) with an engine displacement exceeding 2700cc, if gasoline-fed; or 3000cc, if diesel-fed; and with an engine exceeding 4 cylinders;

3.0 The following vehicles are not covered by this Order:

- 3.1 Those used for security reasons and purposes for the President, Vice-President, Senate President, Speaker of the House of Representatives and Chief Justice of the Supreme Court;
- 3.2 Vehicles donated by Foreign Governments and Bilateral and Multilateral Institutions, if compliance with this Order is violative of the terms and conditions of such donation;
- 3.3 Vehicles used for visiting foreign dignitaries maintained by the Office of the President (OP)-Proper and the Department of Foreign Affairs; and
- 3.4 Vehicles acquired for on-going projects funded from existing official development assistance programs;

4.0 In this connection, all government agencies are hereby directed to account for all their motor vehicle units, prepare a disposal program for all luxury motor vehicles and submit a report to the Department of Budget and Management (DBM) and OP, thru the General Government Administration Office (GGAO), on compliance with this provision.

5.0 The government office concerned shall proceed to immediately dispose of such vehicles by public auction or sale in compliance with applicable laws, rules and regulations.

6.0 All proceeds from such sale shall be turned over to the National Treasury, in the case of national government agencies/SUCs; or to their respective corporate operating funds, in the case of GOCCs and GFIs; or to their respective local funds, in the case of LGUs. The same shall be automatically appropriated for the purchase of new ones, subject to the provisions of this Order, and for the repair of existing serviceable vehicles. Agencies concerned are required to submit a Special Budget pursuant to Section 35, Chapter 5, Book VI of Executive Order No. 292 (Administrative Code of 1987) and a report of vehicles sold and the utilization of the sales proceeds to the DBM and OP-GGAO.

7.0 The authority to approve the acquisition of the following types of motor vehicles is delegated to the agency head concerned and the Secretary of Budget and Management chargeable against the respective agency's appropriations authorized for the purpose:

- 7.1 Specific-purpose vehicles, such as, medical ambulances, military and police patrol vehicles, armored vehicles, prisoners' vans, and fire trucks;
- 7.2 Heavy equipment, such as, road construction equipment, cargo transport equipment, farm machineries, waste management/environmental sanitation equipment, and similar vehicles/equipment;
- 7.3 Locally-assembled owner- or passenger-type jeep;
- 7.4 Motorized bancas/boats;
- 7.5 Vehicles for mass transport when necessary in the interest of public service; and
- 7.6 Motorcycles and tri-wheel vehicles.

8.0 Local Chief Executives, including Punong Barangays, are hereby authorized to approve the acquisition of the types of motor vehicles enumerated under Section 7.0 hereof to be sourced from their

unencumbered local funds. However, for acquisitions of said vehicles to be sourced from the national government funds under the annual General Appropriations Act, the concerned LGU shall seek the approval of DBM for motor vehicles enumerated under Section 7.0 hereof or OP for motor vehicles enumerated under Section 9.0 hereof.

9.0 All government agencies enumerated under Section 1.0 hereof shall seek approval of OP for the purchase of the following types of vehicles regardless of funding sources:

- 9.1 Car (sedan or hatchback) with engine displacement not exceeding 2200cc, if gasoline-fed; or 3000cc, if diesel-fed;
- 9.2 Passenger van or pick-up type vehicle with an engine displacement not exceeding 2200cc, if gasoline-fed; or 3000cc, if diesel-fed;
- 9.3 CUV/MPV/AUV with an engine displacement not exceeding 2000cc, if gasoline-fed; or 2500cc, if diesel-fed;
- 9.4 SUV with an engine displacement not exceeding 2700cc, if gasoline-fed; or 3000cc if diesel-fed;
- 9.5 All types of aircrafts; and
- 9.6 All types of sea-crafts, not otherwise classified under Subsection 7.4 hereof.

10.0 All government agencies enumerated under Section 1.0 hereof shall henceforth purchase at least fifty percent (50%) of their mobility requirements using alternative fuels, such as, bio-fuels-ready vehicles that run on higher blends, flexi-fuel, natural gas, solar and electric vehicles.

11.0 The Department of Energy (DOE) and the Department of Transportation and Communications (DOTC), with the assistance of other concerned government agencies, shall continue to develop and implement programs to promote the use of alternative fuels.

12.0 The Department of Budget and Management (DBM), in coordination with the DOE and DOTC, is hereby directed to provide necessary guidelines to effectively implement the provisions of this Order within sixty (60) days from its issuance.

13.0 The provisions of AO No. 339 (s. 1997), AO No. 3 (s. 2001), AO No. 4 (s. 2001), AO No. 103 (s. 2004) AO No. 110 (s. 2004), and AO No. 121 (s. 2005), which are inconsistent with this Order are hereby modified or repealed accordingly.

Done in the City of Manila, this 1ST day of AUGUST, in the year of our Lord, Two Thousand and Eight.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 234
RATIONALIZING THE FUNCTIONS, DUTIES, AND RESPONSIBILITIES OF CABINET
OFFICERS FOR REGIONAL DEVELOPMENT (CORD)

WHEREAS, there is a need to establish an effective system for immediately resolving urgent and critical issues and concerns at the Presidential level;

WHEREAS, Cabinet members have direct access to the President, and are in a strategic position to raise urgent issues to the President;

WHEREAS, the Cabinet Officer for Regional Development (CORD) System was revived by virtue of Administrative Order (AO) No. 34, series of 2002, amended by AO No. 95, s. 2004;

WHEREAS, a CORD is a Cabinet member who is assigned, in addition to his/her regular duties, to discharge functions, duties, and responsibilities provided in AO No. 34, s. 2002, and AO No. 95, s. 2004, with respect to a particular region;

WHEREAS, Memorandum Order (MO) No. 151, s. 2004, was issued to provide the implementing guidelines regarding the conduct of CORDs;

WHEREAS, there is a need to streamline the present guidelines to improve the effectiveness of the CORD System;

WHEREAS, under Section 31, Chapter 10, Title III, Book III of the Administrative Code of 1987, the President has the continuing authority to reorganize the administrative structure of the Office of the President;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *Rationalizing the CORD System.* – The existing CORD System is hereby rationalized as a mechanism for facilitating the process of communicating to the President the urgent and critical issues and concerns at the regional level that need to be elevated to the President/national government agencies (NGAs).

SEC. 2. *Functions, Duties, and Responsibilities of the CORD.* – Pursuant to the provision provided for in Section 1 herein, the CORD shall perform the following functions, duties, and responsibilities, *in tandem with the Super Regional Development Champions*:

- A. Monitor developments at his/her assigned region for urgent and critical issues and concerns that need to be elevated to the President's attention;
- B. Identify critical issues and concerns that shall be discussed and resolved during Presidential meetings/visits in the region;
- C. Conduct consultations with various regional agencies and other stakeholders in preparation for Presidential visits/meetings in the CORD's assigned region; and
- D. Ensure that Presidential decisions regarding these issues and concerns are carried out.

SEC. 3. Operational Guidelines. – The following are the operational guidelines for the CORD in performing his/her tasks:

A. Monitoring developments

1. The team to assist the CORD, which is provided for in Section 4 herein, shall coordinate with the following government bodies for updates on their respective concerns, as follows:
 - b. National Economic Development Authority (NEDA) Regional Office – on socio-economic developments;
 - c. National Police Commission (NAPOLCOM) Regional Offices – on local peace, order and security conditions;
 - d. National Anti-Poverty Commission (NAPC) – on developments in the Accelerated Hunger Mitigation Program as well as other poverty alleviation programs;
 - e. Presidential Management Staff-Strategic Monitoring Group (PMS-SMG) – on the development of the Administration's infrastructure projects (SONA infrastructure projects).

For this purpose, NEDA and NAPOLCOM Regional Offices, NAPC and PMS-SMG are hereby directed to provide information and assistance to the CORD's Team.

2. The CORD's team may coordinate with Presidential Assistants for their respective special concerns.
3. The CORD's team may also coordinate with local government officials and the private sector in the region to keep the CORD abreast of local issues and developments.

B. Identifying critical issues and concerns

1. The CORD's team shall evaluate and validate all identified issues and concerns in the region based on urgency and criticality of Presidential action. All other issues that do not require immediate Presidential action shall be subject to further evaluation for possible resolution by the CORD concerned at Sub-Cabinet levels.
2. Critical issues and concerns shall immediately be reported by the CORD to the President, along with corresponding recommendations. The recommendation shall also identify the NGA that is in the best position to undertake action.

C. Conducting consultations with regional stakeholders, in preparation for Presidential meetings/visits

1. The Office of the Undersecretary for Presidential Engagements shall immediately alert the CORD concerned of any proposed Presidential visit to the CORD's region of assignment.
 2. The CORD shall advance to the area at least a day before the actual engagement to conduct consultations with various agencies and local government units concerned and report high impact matters and concerns and measures taken by the government.
 3. The CORD shall also receive the President at the airport or landing zone and be present in all the events in the region. As such, the CORD should be well-informed of the issues in the field (Socio-economic, political, programs/projects) to be able to assist the President in the speedy, efficient and orderly resolutions of these problems.
 4. During *Presidential meetings/visits/other engagements* in the CORD's assigned region, the Cord shall be in-charge of selecting the most urgent/critical issues and concerns that need to be raised and resolved.
-

D. Ensuring the implementation of Presidential action/decision

1. Once the President approves the recommendations of the CORD and/or issues instructions to address the critical issues and concerns in the region, the CORD's team shall monitor the implementation of said Presidential decisions/instructions by the concerned NGAs.

For this purpose, concerned NGAs are hereby directed to submit update reports to the concerned CORD on the actions taken; copy furnished the PMS-Directive Monitoring Office.

2. Whenever the CORD deems necessary, he/she shall report developments/updates to the Office of the President.

SEC. 4. CORD Backstop. – The necessary technical and secretariat support to the CORD shall be drawn from his/her Department.

SEC. 5. Budget. – Funds necessary for the CORD's operations shall likewise be drawn from the budget of his/her Department.

SEC. 6. Repealing Clause. – AO No. 34, s. 2002, AO No. 95, s. 2004, and MO No. 151, s. 2004, and all other issuances or parts thereof, which are inconsistent with this Administrative Order, are hereby repealed or modified accordingly.

SEC. 7. Effectivity. – This Administrative Order shall take effect immediately.

Done in the City of Manila this 4th day of AUGUST, in the year of our Lord, Two Thousand and Eight.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 235
TO PUT TOGETHER A NATIONWIDE WATER SERVICES PROGRAM

WHEREAS, it is important to strengthen ties with the People's Republic of China;

WHEREAS, it is important to demonstrate how China's Official Development Assistance uplifts the poor and develops the countryside;

WHEREAS, most pipes and other materials for water systems are made in China;

WHEREAS, in the ten-point program of the Arroyo Administration, water shall be regularly provided to all municipalities.

NOW THEREFORE I, GLORIA M. ARROYO, President of the Republic of the Philippines, by the powers vested in me by law, do hereby order:

Section 1. The National Economic and Development Authority (NEDA) shall put together a nationwide water services program for more than 150 remaining waterless municipalities, plus general upgrade in access to water, especially in Mindanao.

Section 2. The NEDA shall then propose the program for funding from the People's Republic of China.

Section 3. This order takes effect immediately.

DONE in Manila on this 5th of August, in the Year of Our Lord Two Thousand and Eight.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 236
**REVVING UP THE GOVERNMENT MACHINERY FOR MASSIVE WELFARE, LIVELIHOOD
AND PUBLIC WORKS PROGRAMS**

WHEREAS, the Department of Social Welfare and Development (DSWD) acts as the Secretariat for the National Social Welfare Program;

WHEREAS, the Presidential Management Staff (PMS) acts as the Secretariat of the Pro-Performance System and the Micro, Small and Medium Enterprises Council;

WHEREAS, government did not frontload budget outlays in the first semester;

WHEREAS, pork barrel should be harnessed in boosting growth, jobs and welfare;

NOW THEREFORE I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by law, do hereby order:

Section 1. The Secretary of the DSWD and the Director-General of the PMS shall push agencies implementing programs under their watch to boost accomplishments and spending by at least 40% over the first semester.

Section 2. The Secretary of Budget and Management shall accelerate the release of the Philippine Development Assistance Fund.

Section 3. This order shall take effect immediately.

Manila, 06 August 2008

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 237
ON THE JOBS-SKILLS MATCHING PROGRAM

WHEREAS, EO 652 created the Presidential Task Force on Philippine Education Re-Engineering and Reform (PERR);

NOW THEREFORE I, GLORIA M. ARROYO, President of the Republic of the Philippines, do hereby order:

Section 1. The Presidential Assistant on Education shall arrange for the Education Task Force to meet foreign chambers on on the jobs-skills matching program.

Section 2. The Commission on Higher Education and the Technical Education and Skills Development Authority shall provide more openings or places for poor students for training programs that match skills with potential jobs.

Section 3. This Order takes effect immediately.

DONE in Manila on this 11th day of August, in the Year of Our Lord Two Thousand and Eight.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 238

DESIGNATING THE SECRETARY OF FOREIGN AFFAIRS AS THE LEAD TO ORGANIZE
AND CARRY OUT THE SCHEDULED ACTIVITIES RELATIVE TO THE SPECIAL NON-
ALIGNED MOVEMENT (NAM) MINISTERIAL MEETING ON INTERFAITH DIALOGUE AND
COOPERATION FOR PEACE AND DEVELOPMENT

WHEREAS, interfaith initiatives have always been the cornerstone of Philippine policy and as such, the Philippine government created and maintained the enabling environment which will ultimately lead towards peace and development;

WHEREAS, the Philippines has always maintained its lead on interfaith initiatives in the international community as evidenced by, among others, the successful chairing of the First Informal Meeting of World Leaders on Interfaith Dialogue and Cooperation for Peace in the United Nations (UN) on 13 September 2005; the hosting of the Second Dialogue on Regional Interfaith Cooperation for Peace, Development and Human Dignity on 14-16 March 2006 in Cebu; the launching and chairmanship of the Tripartite Forum on Interfaith Cooperation for Peace; and the continuous advocacy of the United Nations General Assembly Resolution on the Promotion of Inter-religious and Intercultural Dialogue, Understanding and Cooperation for Peace since 2004;

WHEREAS, the 118 Heads of States or Governments of the Non-Aligned Movement (NAM) accepted the Philippine offer to host the Special NAM Ministerial Meeting on Interfaith Dialogue and Cooperation for Peace and Development during the 14th NAM Summit in Havana, Cuba in September 2006;

WHEREAS, there is a need to constitute a national committee to organize and carry out efficiently and effectively all the scheduled activities relative to the hosting of the Special NAM Ministerial Meeting on Interfaith Dialogue and Cooperation for Peace and Development;

NOW, THEREFORE, I, GLORIA MACAPAGAL ARROYO, by virtue of the powers vested in me by law, do hereby order that:

SECTION 1. Lead – The Secretary of Foreign Affairs, with an Undersecretary of Foreign Affairs designated for the purpose as alternate shall be the lead to organize the hosting of the Special NAM Ministerial Meeting on Interfaith Dialogue and Cooperation for Peace and Development.

SECTION 2. Agency Support – The Secretary of Foreign Affairs or his designated Undersecretary as alternate shall coordinate with and seek technical, financial and administrative support from the Office of the Executive Secretary (OES), Department of Budget and Management (DBM), Department of Education (DepEd), Department of Finance (DOF), Department of Interior and Local Government (DILG) Department of National Defense (DND), Office of the Press Secretary (OPS), Department of Public Works and Highways (DPWH), Department of Tourism (DOT), Department of Trade and Industry (DTI), Department of Transportation and Communication (DOTC), Office of the Presidential Adviser on the Peace Process (OPAPP), Presidential Council for Values Formation (PCVF), Office of the Group Commander – Presidential Security Group, concerned local government units in the cities of Manila, Pasay and other places where Special NAM Ministerial Meeting events might be held.

SECTION 3. Tasks and Functions – The Secretary of Foreign Affairs or his designated Undersecretary as alternate shall perform the following tasks and functions:

- 3.1 Formulate and recommend a work program and budget plan for the hosting of the Special NAM Ministerial Meeting on Interfaith Dialogue and Cooperation for Peace and Development to the President;
- 3.2 Implement the work program once approved by the President and supervise and monitor all activities in relation thereto;
- 3.3 Call upon any official, agent, employee, agency or instrumentality of the national or local government for any assistance that may be necessary to ensure the success of the Philippine hosting of the Special NAM Ministerial Meeting on Interfaith Dialogue and Cooperation for Peace and Development and its related meetings;
- 3.4 Engage the support, assistance and cooperation of the private/business and religious sectors as well as faith-based non-governmental organizations in the preparation and conduct of the meetings;
- 3.5 Create committees, task forces and other appropriate bodies to effectively carry out its objectives;
- 3.6 Subject to existing laws, rules and regulations enter into agreements and contracts necessary for the attainment of the objectives of this Administrative Order, including contracts for services.

SECTION 4. Coordination with CII – The Secretary of Foreign Affairs or his designated Undersecretary as alternate shall coordinate with the Council on Interfaith Initiatives (CII) composed of the Presidential Council on Values Formation (PCVF), Office of the Presidential Adviser on the Peace Process and the Department of Foreign Affairs, which shall continue to consolidate, rationalize and ensure the consistency of the country's policies and position in various interfaith initiatives and forums in and outside the country as mandated by Executive Order No. 714 of 12 March 2008.

SECTION 5. Funding – The funding requirement for the preparation and hosting of the Special NAM Ministerial Meeting on Interfaith Dialogue and Cooperation for Peace and Development in the amount of TWO HUNDRED MILLION PESOS (P200,000,000.00) shall be sourced from the International Commitments Fund (ICF) under the FY 2009 Budget.

SECTION 6. Administrative Guidelines/Order – The Secretary of Foreign Affairs may adopt such administrative guidelines or regulations as may be necessary to achieve the objectives of the Administrative Order; provided that no delegation of functions may be exercised by anyone other than the designated Undersecretary as alternate.

SECTION 7. Effectivity – This Administrative Order shall take effect immediately.

DONE in the City of Manila, Philippines, this 28th day of August, in the year of Our Lord, Two Thousand and Eight.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 239
PROHIBITING THE USE OF GOVERNMENT VEHICLES FOR PURPOSES OTHER THAN
OFFICIAL BUSINESS, AND FOR OTHER PURPOSES

WHEREAS, pursuant to Republic Act No. 7638, it is a declared policy of the State to ensure a continuous, adequate, reliable and economic supply of energy through the judicious conservation, renewal and efficient utilization of energy, to keep pace with the country's growth and economic development;

WHEREAS, the present Administration adheres to the principle that public office is a public trust and inherent in this principle is the judicious and responsible stewardship in the utilization of the government's resources;

WHEREAS, the continuous rise in the prices of oil in the world market calls for the government to exert efforts to promote the judicious use of our energy resources through intensified conservation effort and efficient utilization thereof; and

WHEREAS, there is a need to strengthen the government's effort against the use of government vehicles for purposes other than official business in line with the government's energy saving and anti-graft and corruption campaigns.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. All government agencies and offices are prohibited from using government vehicles for purposes other than official business: *Provided*, That in every case, the trip ticket authorizing the use of the vehicle shall be displayed on the windshield or in another conspicuous place on the vehicle: *Provided, further*, That vehicles used by intelligence and investigative agencies of the government shall not be covered by the foregoing proviso.

The use of government vehicles on Sundays, legal holidays, or out of the regular office hours or outside the route of the officials or employees authorized to use them, or by any person other than such officials or employees, shall unless properly authorized, be *prima facie* evidence of violation of this Section in the administrative proceeding against the officials or employees responsible of such violation.

All government agencies and offices shall limit the use of government vehicles to essential activities and shall review their travel program and schedules to minimize unnecessary trips.

SECTION 2. The use of government vehicles for private social functions such as receptions, balls, theatres, and for other personal purposes is absolutely prohibited. Likewise, use thereof by the spouses, children, relatives, friends, and the like of the officials entitled thereto, even if they are in the company of said officials, is strictly prohibited.

SECTION 3. The use of government vehicles by bureaus and offices shall be authorized only through the issuance for each trip of a serially numbered ticket, duly signed by an authorized official. These motor vehicles shall be used strictly for official business, bear government plates only, and after office hours or during weekends and holidays kept in a garage designated/provided therefor by the bureau or office to avoid their unauthorized use.

During weekends and holidays, the guard on duty shall keep the keys. If the vehicles are spotted elsewhere during said days, the guard shall be held liable along with those caught using the vehicle in accordance with the service contract entered into by the Government and security agency concerned.

SECTION 4. The public is hereby encouraged to report any unofficial use of government vehicles to the Presidential Action Center (PACE) through the following contact information:

- Letters, telegrams and written correspondences
PRESIDENTIAL ACTION CENTER
Arlegui Street, San Miguel
Manila
- Text messages
09198984621, 09198984622, 09198984623
09178398462, 09178982462, 09178985462

The report shall contain, among others, the type of vehicle, plate number, and the place and time where the government vehicle is found, preferably with pictures.

SECTION 5. All department and agency heads of the government shall undertake a vigorous information dissemination campaign in their respective departments and agencies, while the Director-General of the Philippines Information Agency (PIA) is hereby directed to inform the public of the provisions of this Order.

The Land Transportation Office (LTO) is particularly enjoined to closely coordinate and render assistance for the prompt and efficacious implementation of this Order, particularly in the identification of the reported government vehicles.

SECTION 6. Strict compliance by all officers or employees of the Government, including those of the government-owned or controlled corporations, with the provisions of this Order is enjoined. Anyone found violating any of the provisions of this Order, shall be sternly dealt with in accordance with existing laws, rules and regulations.

SECTION 7. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 15th day of September, in the year of Our Lord, Two Thousand and Eight.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **JESUS G. DUREZA**
Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 240
ORDERING BUDGET MAXIMIZERS WITHOUT REVAMPING EXPENDITURE PARAMETERS

WHEREAS, certain budget maximizers can get more productivity per peso without revamping expenditure parameters or overhauling the budget of the agencies affected;

WHEREAS, if implemented, such budget maximizers would only entail internal reconfiguration of an agency's program thrusts;

WHEREAS, such budget maximizers are in fact adjustments that would add efficiency and energy to the government's spending program for next year;

WHEREAS, if small companies can tell the Philippine Economic Zone Authority how many jobs their investment can create, all the more for the institutions with the biggest capital expenditure resources in the country;

WHEREAS, irrigation spending can churn out temporary jobs during the construction phase and permanent jobs out of new lands opened up for farming;

WHEREAS, if we can come up with a budget-based employment tally, then we can present this as emergency employment program, which is needed to blunt the effects of rising inflation;

WHEREAS, if the project's beneficiaries are tapped during its construction, substandard work can be prevented;

WHEREAS, if the Administration is called to account for the reformed VAT spending, then it should be able to point to the contents of the Revenues Allocated for Public Services (REAPS) as the reformed VAT rebates. This way a major revenue source of budget funds can be protected from agitation that it can be scrapped;

WHEREAS, REAPS can create Pro-reformed VAT constituencies created out of beneficiaries. If Part 4 of the government pay hike series will be taken from REAPS or a big road project in, for example, Samar, is specifically listed as a VAT divided recipient, then a sector and an area shall be put in the pro-VAT column.

WHEREAS, REAPS need not appear in the official budget documents, but it can be highlighted in government presentations, as some sort of an "off budget document" reference.

WHEREAS, putting access of the disabled to the budget fortifies it against criticisms that it cannot meet all the needs of the people;

WHEREAS, conditional cash transfers, textbook budget, Philhealth cards, hiring of new teachers and scholarship programs and construction for the disabled and elderly all fall under regular program activity projects (PAPs) of the agencies. Accommodating them in the latter will not require a rewrite of the budget, so what is already printed need not be changed. The Golden Acres, for instance, can be funded out of the Budget of the Department of Public Works and highways during the budget execution phase. By tweaking the programs of agencies, their offerings can be expanded and enlivened;

WHEREAS, if there are price spikes in food and fuel, then the budget to be relevant must be able to answer this question: *Paano tinutugunan ng budget ang pandaigdigang krisis sa pagkain at langis?* We can come up with an appropriate response if we create a crosssectoral box that will enumerate PAP's in each of the two;

WHEREAS, by combining food production, price subsidy, supply stability and hunger mitigation under Food Security we maximize spending in this crucial sector. Cross-sectoral inventory of activities is the yeast that lifts up spending in a sector;

WHEREAS, tailoring regular projects to new uses will bring relevance to the usual laundry list of government projects as enumerated in the budget;

WHEREAS, building a thousand laboratories that will incubate future scientist will be more meaningful than building more rooms beyond the 45:1 student: classroom ratio required for elementary schools;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by the powers vested in me by law, do hereby order:

SECTION 1. Creating Job Benchmarks. Employment odometer shall be put back in the budget. Agencies that will receive capital outlays shall run numbers on how many job infrastructure funds will generate. The Department of Public Works and Highways shall measure how many jobs it can create in a year in asset creation, eg, new roads, and asset preservation, eg, Oyster and Kanan Project maintenance. The same shall be done by the Department of Agriculture for irrigation spending during the construction phase and out of new lands opened up for farming. Provided that: the Republic Act 6685 which requires fifty percent (50%) of unskilled labor to be selected from out of the residents of where the project will be located.

SECTION 2. Putting all the Fruits of VAT in One Basket. All the fruits of the value added tax shall be put in one basket. It shall be called Revenues Allocated for PUBLIC Services, or REAPS. The most popular, high-impact, big ticket projects and programs shall be selected and put together in one basket. All social-services, all new activities both retail, eg, LRT expansion, shall be placed there. The amount shall be One Hundred Billion Pesos (P100,000,000,000.00), which corresponds to 80 percent of the Reformed VAT intake.

SECTION 3. Bringing the Disabled and Elderly to the Mainstream. Affirmative action shall be taken for the disabled and elderly in the budget. In the Conditional Cash Transfer (CCT), for example, the menu of recipients shall be expanded to include the handicapped,. Part of the Department of Education textbook budget shall be earmarked for Braille books and instructional materials for instructional materials for special education (SPED) classes. Philhealth cards shall be set aside for those on wheelchairs. The budget of the National Orthopedic Hospital shall be increased. In the hiring of new teachers, a quota shall be set for SPED specialists. Slots in the TESDA, GATSPE and other scholarship programs shall be set aside for the disabled. The Golden Acres shall be replicated in at least four regions.

SECTION 4. Focusing on Food and Fuel. A crosssectoral box shall be created that will enumerate all program agency projects in food and fuel. Under Food security, all initiatives shall be listed under the following brackets: Food Production (FILEDS, Agrarian Reform Fund); Price Subsidy (NFA). Supply Stability (Tindahan Natin); Hunger Mitigation (Food for School, CCT). The same shall be used with respect to fuel prices. One aspect can be Conservation (CFL shift in public offices, to be funded out of the National Government Maintenance, Operating and Overhead Expenses; Bike-for-School; LPG conversion; LRT extension, or even MRT ridership subsidy); *Alternative Fuels* (jathropa; or even reforestation activities in hydroelectric dam watersheds); *Electrification* (barangay energization).

SECTION 5. Tailoring Regular Projects to New Uses. Instead of building new classrooms beyond the 45:1 student: classroom requirement for elementary school, the same amount shall build a science laboratory. Instead of merely allocating funds for hospital equipment, the equipment that will be distributed shall be specified, i.e. 50 x-rays or “ We shall build 50 radiology rooms or 50 dialysis machines will be scattered all over the public health system, especially in primary care hospitals so

they can be transformed into secondary care hospitals.” MVUC funds shall be maximized by clustering pedestrian and road safety signages and warnings around schools and calling it the “Safe Kids Initiative.”

SECTION 6. This Administrative Order shall take effect immediately.

Manila, 03 October 2008

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 241

MANDATING THE SPEEDY IMPLEMENTATION OF REPUBLIC ACT NO. 9485 OTHERWISE KNOWN AS THE “ANTI-RED TAPE ACT OF 2007” AND ITS IMPLEMENTING RULES AND REGULATIONS AND STRENGTHENING THE APPLICATION THEREOF

WHEREAS, the Office of the President (OP) Memorandum Circular No. 35 dated March 17, 2003 directed all government agencies, including government-owned and controlled corporations, to implement the publication of service guides and the posting of workflow charts in compliance with Republic Act No. (RA) 6713;

WHEREAS, Administrative Order No. 161 dated October 5, 2006, as amended by Executive Order No. 605 dated February 23, 2007, enjoined the implementation of a government-wide Quality Management Program which mandated, among others, the streamlining of services and the establishment of citizen’s charters;

WHEREAS, RA 9485, otherwise known as the Anti-Red Tape Act of 2007, took effect on September 5, 2008 following the issuance of the Implementing Rules and Regulations (IRR) by the Civil Service Commission under the CSC Resolution No. 081471 dated July 24, 2008;

WHEREAS, Section 6 of RA 9485 provides that all government agencies including departments, bureaus, offices, instrumentalities, or government-owned and/or controlled corporations, or local government or district units shall set up their respective standards to be known as the Citizen’s Charter within one year after the effectivity of said law;

WHEREAS, Section 7 of the same law provides that the implementation of RA 9485 shall be the primary responsibility and accountability of the head of office or agency;

WHEREAS, Section 1, Rule VI of the IRR of RA 9485 provides that all offices and agencies are enjoined to undertake on a continuing basis programs to promote customer satisfaction and improve service delivery, and other similar activities for officers and employees in frontline services;

WHEREAS, there is a need to expedite the implementation of the abovementioned provisions for the effective realization of the State’s policy of work to fix the corruption that has, unfortunately, long plagued our nation;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by the powers vested in me by law, do hereby order:

SECTION 1. STREAMLINING AND POSTING OF PROCEDURES. All departments, bureaus, offices and instrumentalities of the government, including government financial institutions and government-owned and controlled corporations, hereinafter referred to as “agencies,” shall streamline and post the procedures for the twenty (20) most heavily utilized processes or services not later than December 31, 2009.

The posted procedures shall include the information prescribed in Section 1, Rule IV of the IRR of RA 9485 and such other relevant data, instructions and materials which the concerned agency deems proper for information of its clientele and the public in general.

SECTION 2. PUBLIC ASSISTANCE AND COMPLAINTS DESKS AND HOTLINES. All agencies shall establish in their respective offices a public assistance and complaints desk and provide the public hotline number/s which should be purposely set up to effectively receive feedback and

monitor customer satisfaction in conformity with Rule VI of the IRR of RA 9485 not later than December 31, 2009.

All agencies shall develop a scheme within its office to ensure that the public assistance desk/complaints desk shall be attended to at all times and the hotline number/s shall be accessible to the public.

Agencies are mandated to interconnect their current and future public assistance systems with the government-wide citizen's helpline once the same is established.

SECTION 3. CAMPAIGN AGAINST FIXERS. All agencies shall mount a campaign that will set up a system to eliminate fixing activity in their place of work and commence legal proceedings against fixers such as the filing and prosecution of criminal and/or administrative cases not later than March 31, 2009.

SECTION 4. COLLABORATION WITH THE CIVIL SERVICE COMMISSION, DEVELOPMENT ACADEMY OF THE PHILIPPINES AND CLIENTELE. Agencies shall work with the Civil Service Commission (CSC), the Development Academy of the Philippines (DAP), and the agencies' respective clientele in streamlining procedures and eradicating fixers.

For streamlining of local government services, the Department of the Interior and Local Government shall assign its field staff to serve as anti-red tape facilitators in discussions with the CSC and the clientele of local government units (LGUs) in their respective areas.

SECTION 5. INSTITUTION OF A PERFORMANCE EVALUATION SYSTEM BASED ON OUTPUT. Agencies shall institute a Performance Evaluation System based on objectively measured output and performance of personnel and units, such as the Performance Management System-Office Performance Evaluation System developed by the CSC.

SECTION 6. REPORT OF COMPLIANCE. Agencies shall submit an initial written report not later than October 31, 2008 to the Anti-Red Tape Task Force established under Executive Order No. 557 dated August 8, 2006, through its Chairman, the Secretary of Trade and Industry, with copies to the Department of Budget and Management and the CSC on the present status of their compliance with past anti-red tape directives/issuances such as RA 6713, OP memorandum Circular No. 35, and Administrative Order No. 161 as amended.

SECTION 7. ALLOCATION OF FUNDS. Agencies are hereby directed to allocate a portion of their maintenance, operations and overhead expenditures (MOOE) budget as funding for the implementation of the Anti-Red Tape Act of 2007, including the conduct of seminars and other services provided by the CSC and DAP.

The following agencies, identified for priority anti-red-tape measures, shall allocate two percent (2%) of their total budget from all sources for their measures to comply with Anti-Red Tape Act of 2007 as well as measures identified by the CSC:

- a. Bureau of Customs
- b. Bureau of Fire Protection
- c. Bureau of Food and Drugs
- d. Bureau of Immigration
- e. Bureau of Internal Revenue
- f. Department of Environment and Natural Resources
- g. Laguna Lake Development Authority
- h. Philippine Health Insurance Corporation
- i. Social Security System
- j. Government Service Insurance System

SECTION 8. EFFECTIVITY. This Administrative Order shall take effect immediately.

For strict compliance.

DONE this 2nd day of October, 2008 in the City of Manila.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 241-A
AMENDING ADMINISTRATIVE ORDER NO. 241, SERIES OF 2008

WHEREAS, Administrative Order No. 241 dated 02 October 2008 was issued to expedite the implementation of Republic Act No. 9485, otherwise known as the “*Anti-Red Tape Act of 2007*”, and its Implementing Rules and Regulations which the Civil Service Commission promulgated through its Resolution No. 081471 dated 24 July 2008;

WHEREAS, there is an imperative need to further speed up the enforcement of the said law for the effective realization of the State’s policy of promoting integrity, accountability, proper management of public affairs and public property as well as its goal of establishing effective practices aimed at preventing graft and corruption in the government and ensuring its guaranteed performance level for the clientele and the public in general;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby amend Administrative Order No. 241 dated 02 October 2008, as follows:

SECTION 1. Section 1, 1st paragraph of Administrative Order No. 241 is hereby amended to read as follows:

“SECTION 1. STREAMLINING AND POSTING OF PROCEDURES. All departments, bureaus, offices and instrumentalities of the government, including government financial institutions and government-owned and controlled corporations, hereinafter referred to as “agencies”, shall streamline and post the procedures for the twenty (20) most heavily utilized processes or services *not later than December 31, 2008.*”

SECTION 2. Section 2, 1st paragraph of Administrative Order No. 241 is hereby amended to read as follows:

“SECTION 2. PUBLIC ASSISTANCE AND COMPLAINTS DESKS AND HOTLINES. All agencies shall establish in their respective offices a public assistance and complaints desk and provide the public hotline number/s which should be purposely set up to effectively receive feedback and monitor customer satisfaction in conformity with Rule VI of the IRR of RA 9485 *December 31, 2008.*”

SECTION 3. Repealing Clause. – All administrative orders, rules and regulations and other issuance or parts thereof, which are inconsistent with this Administrative Order, are hereby revoked, amended, or modified accordingly.

SECTION 4. Effectivity. – This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 10th day of November, in the Year of Our Lord, Two Thousand and Eight.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 242

**AUTHORIZING THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION AND
COMMUNICATIONS TO IMPLEMENT THE VOLUNTARY INTERNATIONAL MARITIME
ORGANIZATION MEMBER STATE AUDIT SCHEME**

WHEREAS, the Philippines is a member state of the International Maritime Organization (IMO) and is a contracting party to the IMO Mandatory Instruments;

WHEREAS, the IMO Assembly, in accordance with Resolution A.946(23), adopted the Voluntary IMO Member State Audit Scheme (VIMSAS), establishing an Audit Scheme, on a voluntary basis, to determine the extent that member states are implementing and enforcing applicable IMO Instruments, and thereby promoting the consistent and effective implementation of IMO Instruments with a view to enhancing global and member state performance;

WHEREAS, the IMO Assembly, in accordance with Resolution A.973(24) and A.996(25), adopted the Code for the Implementation of Mandatory Instruments, which serves as a guide to member states on how to be a good flag, coastal and/or port state, and provides a standard against which a member state should be audited;

WHEREAS, the Philippines offered to be audited under the Audit Scheme during the 24th Session of the IMO Assembly, which was confirmed in the letter of the Secretary of the Department of Transportation and Communications (DOTC) to the IMO Secretary-General on the offer to be audited in the second half of 2009;

WHEREAS, the Philippines is a leading maritime nation being the largest supplier of seafarers to the international maritime community, and its decision to volunteer for audit is part of its continuing commitment to maritime safety and environmental consciousness;

WHEREAS, there is a need to effectively and carefully plan, manage, direct, coordinate and monitor the efforts of national government agencies involved in the implementation of IMO Mandatory Instruments relative to the IMO Audit Scheme;

WHEREAS, the DOTC, including its attached agencies, is primarily responsible for the adoption, implementation and enforcement of the IMO Mandatory Instruments, including the continuous improvement of the same.

NOW, THEREFORE, I, GLORIA MACAPAGAL ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Lead Agency for the Implementation of the International Maritime Organization (IMO) Audit Scheme. The Department of Transportation and Communications (DOTC) shall serve as the lead agency in the implementation of the Voluntary IMO Member State Audit Scheme (VIMSAS) in the Philippines. It shall carry out the planning, coordination and implementation of the following activities, among others:

1. Preparations for Audit
2. Provision of Assistance during Audit
3. Preparation and Implementation of Corrective Action Plan for Audit Findings
4. Periodic In-House Evaluation of Performance

Section 2. Role of the DOTC Secretary. The DOTC Secretary is hereby authorized to direct, manage and coordinate all activities, mobilize available government resources and call on the assistance of all government agencies concerned for the implementation of the IMO Audit Scheme in accordance with applicable laws.

Section 3. Cooperation and Support of Government Agencies. All departments, bureaus, offices and other government agencies and instrumentalities, including government-owned and/or controlled corporations are hereby directed to extend full cooperation, support and assistance to the DOTC and the DOTC Secretary regarding all matters and requests specifically related to and covered by this Order.

The following departments, agencies and corporation shall form the core of the inter-agency group for the implementation of the IMO Audit Scheme:

Secretary of the DOTC	Chairman
Undersecretary for Maritime Transport, DOTC	Vice-Chairman

As members, the following departments/agencies/entities included and represented by an Assistant Secretary or an official of equivalent rank, namely the: Department of Foreign Affairs (DFA), Department of Environment and Natural Resources (DENR), Department of National Defense (DND), Department of Labor and Employment (DOLE), Commission on Higher Education (CHED), Commission on Maritime and Ocean Affairs (CMOA), Maritime Industry Authority (MARINA), Philippine Coast Guard (PCG), Philippine Ports Authority (PPA), Maritime Training Council (MTC), Technical Education and Skills Development Authority (TESDA), Professional Regulation Commission (PRC), Philippine Navy (PN), National Disaster Coordinating Council (NDCC), and National Mapping and Resource Information Authority (NAMRIA).

The DOTC shall provide a Secretariat for the inter-agency group to be headed by an Assistant Secretary and composed of officials of the DOTC and its attached agencies with rank equivalent to a Director.

The Department of Budget and Management (DBM) is hereby directed to provide and/or assist in facilitating the release of the necessary funding for the conduct of the IMO State Audit Scheme.

Section 4. Separability Clause. Any portion or provision of this Administrative Order that maybe declared unconstitutional shall not have the effect of nullifying its other portions or provisions, as long as such remaining portions can still be given effect.

Section 5. Repealing Clause. All administrative orders, rules and regulations and other issuances or parts thereof, which are inconsistent with this Administrative Order, are hereby revoked, amended, or modified accordingly.

Section 6. Effectivity. – This Administrative Order shall take effect immediately after its publication in a national newspaper of general circulation.

DONE in the City of Manila, this 13th day of October, in the year of Our Lord, Two Thousand and Eight.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 243
CREATING A SYSTEM FOR THE BULK AND BREAK BULK CARGO CLEARANCE
ENHANCEMENT PROGRAM OF THE BUREAU OF CUSTOMS

WHEREAS, an advance clearance system for bulk and break bulk cargoes is required in accordance with the objectives of the World Customs Organization International Convention on the Simplification and Harmonization of Customs Procedures otherwise known as the Revised Kyoto Convention;

WHEREAS, to facilitate the assessment of bulk and break bulk cargoes, the capability of the Bureau of Customs in cargo surveying should be enhanced by harnessing available technical support, if possible at no cost to the government;

WHEREAS, there is a need to obtain and secure critical information required for the proper inspection, classification and valuation of bulk and break bulk cargoes using measure compliant with customs international best practices and global trade standards;

WHEREAS, the responsibility, accountability and liability of accredited surveying companies/surveyors should be defined under the accreditation program;

WHEREAS, revenue collection should be protected and maximized by ensuring the correct assessment of duties and taxes on bulk and break bulk cargoes

WHEREAS, Section 31, Chapter 10, Title III, Book III of Executive Order Number 292, otherwise known as the Administrative Code of 1987 expressly grants the President the continuing authority to reorganize the executive branch of the government;

NOW THEREFORE I, GLORIA M. ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1 – CREATION OF COMMITTEE FOR ACCREDITATION OF CARGO SURVEYING COMPANIES (CACSC) – A committee is hereby created hereinafter known as the Committee for Accreditation of Cargo Surveying Companies (CACSC) to be composed of the following:

1. Authorized representative from the Office of the President;
2. Authorized representative of the Secretary of Finance;
3. Deputy Commissioner of Customs authorized by the Commissioner; and
4. Two authorized representative(s) of duly recognized industry associations.

SECTION 2 – FUNCTION – The CACSC shall have the function of overseeing the Deputy Commissioner authorized by the Commissioner to undertake the following:

- A. To grant, approve, defer or deny the application for accreditation of Cargo Surveying Companies/Surveyors or the renewal of the same;

- B. To monitor and regularly review the performance of accredited Cargo Surveying Companies/Surveyors;
- C. To recommend suspension or revocation of accreditations to the Commissioner of Customs;
- D. To perform such other functions relative to the implementation of this Administrative Order;
- E. To consult with the Ports Transparency Alliance created pursuant to Letter of Instructions No. 5 of the President of the Philippines dated 12 March 2008 to the Department of Finance and the Bureau of Customs (BOC).

SECTION 3 – REQUIRED VOTING – No application for accreditation shall be approved or disapproved without the consent of a majority of members of the CACSC present in a meeting duly called for such a purpose.

SECTION 4 – PERIOD TO APPROVE APPLICATION – The CACSC shall approve or disapprove all applications for accreditation within fifteen (15) days from receipt of said application with complete supporting documents in accordance with the requirements for accreditation.

SECTION 5 – DOCUMENTARY REQUIREMENTS – The following documentary requirements for accreditation of surveying companies shall be submitted before any application for accreditation shall be processed:

- a. Certified Copy of Articles of Incorporation and Certificate of Registration;
- b. Local Business Permit;
- c. Certified list of not less than twenty (20) regular clients-importers and exporters for the last three (3) years immediately preceding the application;
- d. Certified Copy of the Audited Financial Statements submitted to the Securities and Exchange Commission, Bureau of Internal Revenue (BIR) or equivalent Office for the immediately preceding year;
- e. Certified Copy of the updated list of corporate officers and surveyors;
- f. Certified Copy of the BIR Certificate of Registration;
- g. Authenticated Copies of the Membership Certificate issued by the International Federation of Inspection Agencies;
- h. Certification under oath by a responsible official of the company that it has not been blacklisted or its services terminated by any Government or international entity on the grounds of poor performance and/or irregularity in dealings in any country three (3) years immediately preceding the application;
- i. Such other documents as may be required by the Commissioner of Customs and the CACSC.

All documents obtained abroad shall be duly notarized by the Philippine Consular office concerned before they are considered acceptable.

SECTION 6 – EFFECTIVITY OF ACCREDITATION – The accreditation of Surveying Companies/Surveyors shall be effective for three (3) consecutive years, unless sooner revoked for cause.

SECTION 7 – RENEWAL OF ACCREDITATION – Applications for renewal of accreditation shall be filed not earlier than ninety (90) calendar days but not later than thirty (30) days prior to the date of expiration of accreditation. A penalty determined by the Committee shall be imposed on applications filed beyond the prescribed period.

SECTION 8 – SUSPENDED OR REVOKED ACCREDITATION – No certificate of application for renewal for accreditation shall be accepted if the Certificate of Accreditation has been suspended or revoked for cause during the time it was subsisting, unless subsequently lifted by the Commissioner of Customs upon the favourable recommendation of the CACSC.

SECTION 9 – CONFIDENTIALITY CLAUSE – All accredited surveying companies shall provide a Service Level Undertaking and execute a Non-Disclosure Agreement in favour of and in such form as required by the BOC.

SECTION 10 – VIOLATION/PENALTIES – Any violation of the provisions of this Order shall cause the suspension or revocation of the accreditation of the surveying company after due process, without prejudice to the filing of appropriate administrative, civil or criminal charges against erring cargo surveying companies/surveyors thereafter.

SECTION 11 – SANCTIONS FOR BOC PERSONNEL – Any official or employee of the BOC found to have violated any of the provisions of this Order shall be immediately relieved and placed under administrative suspension after due process.

SECTION 12 – DEFINITION OF TERMS

12.1. Surveying Company – A reputable company with an international office network in all countries supplying imported articles to the Philippines and engaged in the business of cargo surveying of shipments.

12.2. Accredited Cargo Surveying Company – A surveying company possessing a duly approved accreditation issued by the BOC.

12.3. CACSC – A committee created, tasked and authorized to oversee the granting and approval of accreditation of cargo surveying companies/surveyors and periodic review of the performance thereof.

12.4. Bulk Cargo – Cargoes in a mass of one commodity not packaged, bundled, bottled or otherwise packed; those cargoes (dry or liquid) which are loaded (shovelled, scooped, forked, mechanically conveyed or pumped) in volume directly into a vessel's hold or cargo that is unbound as loaded; without count in a loose unpackaged form.

12.5. Break Bulk Cargo – Non-containerized general cargo stored in boxes, pallets or other individual units to be loaded onto or discharged from vessels. Those cargoes loaded individually and described in terms of quantity and weight (e.g. steel coils, logs, sacks of rice), and not in shipping containers nor in bulk as with oil or grain.

12.6. Break/Break Bulk Cargo Surveying – The inspection, analysis and/or computation of bulk or break bulk cargo for the purpose of determining the correct dutiable weight, quantity, description of goods in tariff terms, and/or cargo make or quality.

12.7. Customs Survey Inspectors (CSI) – A team of BOC officers and personnel with special qualifications and technical training in cargo inspection and surveying and capable of rendering efficient and reliable survey or examination reports.

SECTION 13 – SEPARABILITY – If any portion or provisions of this Order shall be deemed invalid and unconstitutional for any reason, the remaining portions, insofar as they can stand on their own, shall be given full force and effect.

SECTION 14 – EFFECTIVITY – This Order shall take effect fifteen (15) days after its complete publication in a national newspaper of general circulation.

DONE in the City of Manila, this 13th day of October, in the year of Our Lord, Two Thousand and Eight.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 243-A

AMENDING ADMINISTRATIVE ORDER NO. 243 ENTITLED “CREATING A SYSTEM FOR THE BULK AND BREAK BULK CARGO CLEARANCE ENHANCEMENT PROGRAM OF THE BUREAU OF CUSTOMS”

WHEREAS, an advance clearance system for bulk and break bulk cargoes is required in accordance with the objectives of the World Customs Organization International Convention on the Simplification and Harmonization of Customs Procedures, otherwise known as the Revised Kyoto Convention;

WHEREAS, to facilitate the assessment of bulk and break bulk cargoes, the capability of the Bureau of Customs in cargo surveying should be enhanced by harnessing available technical support, if possible at no cost to the government;

WHEREAS, there is a need to obtain and secure critical information for the proper examination, classification, and valuation of bulk and break bulk cargoes using measures compliant with customs international best practices and global trade standards;

WHEREAS, revenue collection should be protected and maximized by ensuring the determination of the correct weight, quantity, quality and description of bulk and break cargoes and the correct assessment of duties thereon;

WHEREAS, there is a need to define the responsibility, accountability, and liability of surveying companies/surveyors accredited under the accreditation program herein;

WHEREAS, the State adopts and implements a policy of full public disclosure of all its transaction involving public interest;

WHEREAS, under Section 31(2), Chapter 10, Title III of Executive Order No. 292, otherwise known as the Administrative Code of 1987, the President is granted the authority to reorganize the executive branch of the government;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, hereby order:

SECTION 1. DEFINITION OF TERMS – For purposes of this Administrative Order, the following terms as used herein shall be defined as follows:

- a. **COMMITTEE FOR ACCREDITATION OF CARGO SURVEYING COMPANIES (CACSC)** – A Committee tasked and authorized to grant and approve the accreditation of cargo surveying companies/surveyors and periodically review the performance thereof.
- b. **CARGO SURVEYING COMPANIES** – A reputable company with an international office network in the countries exporting to the Philippines and the ports of origin and engaged in the business of cargo surveying of shipments.
- c. **ACCREDITED CARGO SURVEYING COMPANY** – A surveying company possessing a duly approved accreditation issued by the CACSC.
- d. **BULK CARGO** – Cargoes in a mass of one commodity not packaged, bundled, bottled, or otherwise packed; cargoes (dry or liquid) loaded (shoveled, scooped, forked,

mechanically conveyed or pumped) in volume directly into a vessel's hold or cargo that is unbound as loaded, without count in a loose unpackaged form.

- e. **BREAK BULK CARGO** – Non-containerized general cargo stored in boxes, bales, pallets, or other individual units to be loaded onto or discharged from vessels; cargoes loaded individually and described in terms of quantity and weight (e.g. steel coils, logs, sacks of rice), and not in shipping containers nor in bulk as with oil or grain.
- f. **BULK/BREAK BULK CARGO SURVEYING** – The inspection, analysis and/or computation of bulk or break bulk cargo for the purpose of determining the correct dutiable weight, quantity, description of goods in tariff terms, and/or cargo make or quality.

SECTION 2. COVERAGE – This order shall cover all bulk and break cargo bound to the Philippines and loaded unto carrying vessels.

SECTION 3. CREATION OF COMMITTEE FOR ACCREDITATION OF CARGO SURVEYING COMPANIES (CACSC). An accreditation committee directly under the supervision and control of the Office of the President is hereby created, hereinafter known as the Committee for Accreditation of Cargo Surveying Companies or CACSC, to be composed of the following

- a. Presidential Adviser on Revenue Enhancement, as the authorized representative from the Office of the President;
- b. Authorized representative of the Secretary of Finance;
- c. Deputy Commissioner of Customs authorized by the Commissioner of Customs;
- d. Two (2) authorized representatives from the Department of Trade and Industry; and
- e. Two (2) authorized representative(s) of duly recognized industry associations as non-voting members.

The Presidential Adviser on Revenue Enhancement shall be the Chairman of the Committee.

SECTION 4. POWERS AND FUNCTIONS OF THE CACSC – The CACSC shall have the following powers and functions:

- a. To grant, approve, defer or deny the application for accreditation of Cargo Surveying Companies/Surveyors and/or allow the renewal of the same upon expiration.
- b. To enlist the assistance of any department, bureau, office or agency of the government in carrying out its functions.
- c. To regularly review the performance of the duties and obligations of accredited surveying companies/ surveyors in compliance with laws, rules and regulations.
- d. To perform such other function relative to its creation and in accordance with the provisions of this order.

SECTION 5. CACSC SECRETARIAT – The CACSC shall be assisted and supported by the CACSC Secretariat which shall receive and process all applications for accreditation and renewal of accreditation of surveying companies/surveyors for consideration and approval by the Committee. In addition, the Secretariat shall keep a record of all documents pertaining to the CACSC and accredited surveying companies.

SECTION 6. QUALIFICATIONS FOR ACCREDITATION – Applications for accreditation must have the following basic qualifications:

-
- a. Minimum track record of five (5) continuous years in International Bulk and Break Bulk Cargo Surveying.
 - b. Membership of good and reputable standing in the International Federation of Inspections Agencies (IFIA) or any other similar organization generally recognized and accepted in international commerce.
 - c. International office networking countries which export to the Philippines as shown in the updated company profile and organizational structure.
 - d. Must possess and maintain the basic tools and implements needed in bulk and break bulk cargo surveying, and must have the competence and capability to conduct qualitative analysis of cargo using its own laboratories or laboratories generally used for such purpose in country of origin.
 - e. Must be capable of receiving and transmitting electronic instructions from authorized ship agents, importers or responsible customs officials.
 - f. Must be able to issue reports and certificates in such forms acceptable to the CACSC.
 - g. Must not have been blacklisted or its services terminated by any government or international entity in the immediately preceding three (3) years, on the grounds of poor performance and/or irregularity in dealings, unless proven otherwise by competent and verifiable evidence as considered by the CACSC.
 - h. Must be able to submit a comprehensive building program for the Bureau of Customs officials and other government officials who will be directly involved in the implementation of this program.

SECTION 7. DOCUMENTARY REQUIREMENTS – The following documentary requirements shall be submitted before any application for accreditation shall be processed:

- a. Certified copies of Articles of Incorporation or Certificate of Registration;
- b. Local Business Permit;
- c. Certified list of not less than twenty (20) regular clients-importers and exporters for the last three (3) years immediately preceding the application;
- d. Certified copy of its Audited Financial Statements submitted to the Securities and Exchange Commission, Bureau of Internal Revenue or equivalent office for the immediately preceding year;
- e. Certified copy of the updated list of its corporate officers and surveyors;
- f. Certified copy of the BIR Certificate of Registration;
- g. Authenticated copies of the Membership Certificate issued by the International Federation of Inspection Agencies (IFIA);
- h. Certification under oath by a responsible official of the company that it has not been blacklisted or its services terminated by any government of international entity on the grounds of poor performance and/or irregularity in dealings in any country three (3) years immediately preceding the application;
- i. Certification under oath by a responsible official of the company that it has no pending administrative, civil or criminal case in any court or venue in the Philippines, and
- j. Such other documents as may be required by the CACSC.

All documents obtained abroad shall be duly notarized by the Philippine Consular Office concerned before they shall be acceptable to the CACSC.

SECTION 8. PERIOD TO APPROVE APPLICATION – the CACSC shall approve or disapprove all applications for accreditation within thirty (30) days from receipt of said application within complete supporting documents in accordance with the requirements for accreditation.

SECTION 9. REQUIRED VOTING – No application for accreditation shall be approved or disapproved without the consent of a majority of the members present in a valid meeting duly called for such purpose by the Chairman of the Committee.

A meeting is valid when at least three (3) members of the committee are present.

SECTION 10. EFFECTIVITY OF ACCREDITATION – The accreditation of surveying companies/surveyors shall be effective for a period of three (3) consecutive years, unless sooner revoked for a cause.

SECTION 11. RENEWAL OF ACCREDITATION – Applications for renewal of accreditation shall be filed not earlier than ninety (90) calendar days but not later than thirty (30) calendar days prior to the date of expiration of accreditation. A penalty as determined by the Committee shall be imposed on applications filed beyond the prescribed period.

SECTION 12. Non-Renewal of Suspended or Revoked Accreditations – No application for renewal of accreditation shall be accepted if the Certificate of Accreditation has been suspended or revoked unless subsequently lifted by the CACSC.

SECTION 13. VIOLATION/PENALTIES – Any violation of any of the provisions of this Order or its implementing rules and regulations shall be grounds for the initiation of appropriate actions against the surveying company, without prejudice to the filing of appropriate administrative, civil or criminal charges against erring cargo surveying companies/surveyors.

SECTION 14. ACCESS TO INFORMATION – The CACSC shall have the authority to request and secure information, documents, correspondence and materials necessary in the performance of its oversight functions. Information of propriety nature obtained by an accredited surveying company in the performance of surveying or any other activity incidental thereto shall be provided the CACSC upon request.

SECTION 15. SEPARABILITY CLAUSE – If any provision of part hereof is held invalid or unconstitutional, the remainder of the order or the provision not otherwise affected shall remain valid and subsisting.

SECTION 16. REPEALING CLAUSE – All other orders, issuances, rules and regulations or parts thereof which are inconsistent with this Administrative Order are hereby repealed or modified accordingly.

SECTION 17. EFFECTIVITY – This order shall take effect fifteen (15) day after its complete publication in a national newspaper of general circulation.

DONE in the City of Manila, this 16th day of September, in the year of Our Lord, Two Thousand and Nine.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 244

AUTHORIZING THE DEPARTMENT OF AGRICULTURE THE USE OF P4.0 BILLION FROM FEES, REVENUES AND RECEIPTS FROM SERVICE CONTRACT (SC) NO. 38 FOR THE RICE SELF-SUFFICIENCY PROGRAMS OF THE GOVERNMENT

WHEREAS, Section 8 of PD No. 910 dated March 22, 1976, as amended by RA No. 7638, provides that all fees, services and receipts from any or all sources including receipts from service contracts and agreements collected by the Department of Energy (DOE) shall form part of a Special Fund to be used to finance energy resource development and exploration programs and projects of the government, and for such other purposes as may be directed by the President;

WHEREAS, in the State of the Nation Address by the President on July 28, 2008, it was declared therein that there will be release of funds from the Malampaya national revenues/royalties to support the rice self-sufficiency programs of government;

WHEREAS, Executive Order No. 683, S. 2007, authorizes the Department of Budget and Management (DBM) to release funds from SC No. 38 revenues upon the endorsement and submission, among other requirements, by the Department of Energy (DOE) and/or PNOC Exploration Corporation of a directive from the Office of the President.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order:

Section 1. Subject to existing laws, and the usual government accounting and auditing rules and regulations, the Department of Budget and Management (DBM) is hereby authorized to release the amount of **FOUR BILLION (P4.0B) PESOS** from the Malampaya revenues (Service Contract No. 38) to the Department of Agriculture to be used in the rice self-sufficiency programs of government, as follows:

- a. **Agricultural Guarantee Fund Pool (P2.0 Billion)** – established under Administrative Order No. 225-A (s. 2008) and held in trust with the Land Bank of the Philippines (Account No. T.A. No. 05-206) shall be used to mitigate the risk involved in agriculture lending by providing guarantee-cover to unsecured loan financing extended by financial institutions and other parties to new small farmers engaged in rice and food production projects/activities, thereby facilitating the provision of credit in the sector; and
- b. **Rice Self-Sufficiency & other Commodity Program (P2.0 Billion)** – to augment DA funds to provide seeds and location specific interventions in addressing rice self-sufficiency targets and securing availability of food commodities at stable prices.

Section 2. The Department of Agriculture shall be accountable for the implementation of the rice self-sufficiency programs and the expenditures thereon, subject to applicable laws and existing budgeting, accounting and auditing rules and regulations.

Section 3. This Order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 23rd day of October, in the year of Our Lord Two Thousand and Eight.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 245
ADDRESSING CONCERNS ABOUT THE OFFICE OF MUSLIM AFFAIRS

I, **GLORIA M. ARROYO**, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. – The organization and functions of the Office of Muslim Affairs shall be rationalized by instituting effective performance audit of the office and implementing measures that enhance the accountability of its officials and service personnel. This rationalization shall be done by the Department of Budget and Management.

SECTION 2. – The Office of the President shall constitute a Task Force to manage and oversee this year's Hajj with the following composition:

1. Representative from the Office of the Executive Secretary
2. Members of Congress from Muslim Areas
3. Office of Muslim Affairs
4. Designated Amerul Hajj

SECTION 3. – This Order shall take effect immediately.

DONE in the City of Manila on this 3rd of November, 2008.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 246

CREATING A PHILIPPINE ORGANIZING COMMITTEE FOR THE CONDUCT OF THE
PHILIPPINE PARTICIPATION TO THE WORLD EXPOSITION SHANGHAI CHINA 2010

WHEREAS, the Philippine Government, in its drive to enhance further the promotion of the Philippines and sustain its presence in the global market, has committed to participate at the World Exposition Shanghai China 2010 (Expo 2010);

WHEREAS, the Philippine participation in Expo 2010 provides an excellent opportunity to present, demonstrate and showcase to a wide audience across the world its culture and nature, its history and people, its economy and technology and how these aspects of human society interact or co-exist with each other in the process of urbanization, and social and economic development in accordance with the theme Expo 2010: “Better City, Better Life”;

WHEREAS, in addition to trade and tourism benefits, and the goodwill that will be generated from participating in Expo 2010, it will also enhance the efforts of both the government and private sectors in addressing various concerns and issues concerning modern approaches to sustainable urban development that would ensure a viable future for the society and humankind in general;

WHEREAS, there is a need to create a Philippine Organizing Committee with the Department of Tourism (DOT) as the lead implementing agency for the conduct of the Philippine participation to the World Exposition Shanghai China 2010;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. *Philippine Organizing Committee (POC)*. A Philippine Organizing Committee (POC), headed by the Department of Tourism, for the Philippine participation at Expo 2010 in Shanghai, China, is hereby created to be composed of the following:

Secretary of Tourism	–	Chairman and Commissioner General
Secretary of Foreign Affairs	–	Vice-Chairman

Members:

Executive Secretary, Office of the President
Secretary of Trade and Industry
Secretary of Environment and Natural Resources
Secretary of Budget and Management
Secretary of Science and Technology
Secretary of Public Works and Highways
Chairperson, Housing and Urban Development Coordinating Council
Chairman, Philippine Amusement and Gaming Corporation
Chairman, Metro Manila Development Authority

Chairperson, National Commission for Culture and the Arts
General Manager, Philippine Tourism Authority
General Manager, Manila International Airport Authority
Director General, Philippine Information Agency
Private Sector Representatives

The Members of the Board of Advisers of the Philippine Organizing Committee may designate an alternate to represent them at the committee. They shall submit the names of their representatives and/or alternates to the POC Secretariat.

Section 2. *Authority and Functions of the Philippine Organizing Committee.* The Committee shall exercise the following functions and responsibilities:

- a. Formulate and implement a workplan and budget for the proper implementation of the Philippine participation in Expo 2010, and to monitor and supervise all activities and programs in relation thereto;
- b. Act as the coordinating body between the private sector and other government agencies/organizations to ensure that all directives subsequently issued to the said agencies for the planning, operation and management of the Philippine participation at Expo 2010 are enforced;
- c. Ensure that the benefits of the Philippine participation are maximized through a concerted and cost-effective country approach;
- d. Formulate an appropriate theme, concept and message of the Philippine participation in line with the over-all theme of Expo 2010;
- e. Ensure the safety and protection of government properties, exhibit materials and equipment needed to complete the Philippine participation;
- f. Accept or receive sponsorship and gratuitous title of funds, materials and devices essential for planning and implementation, and management subject to existing accounting and auditing rules and regulations;
- g. Call on any department, bureau or office of the government, including government-owned and controlled corporations for any assistance that may be necessary to carry out the purpose of this Administrative Order.
- h. Enter into agreements/contracts necessary for the attainment of the objectives of this Administrative Order;
- i. Undertake any or all other measures necessary for the successful participation of the Philippines in Expo 2010.

Section 3. *Executive Committee.* The POC, through the Commissioner-General, may create an Executive Committee composed of representatives from the government and private sectors as enumerated in Section 1 thereof.

Section 4. *Secretary-General.* The POC, through the Commissioner-General, shall designate an official of the Department of Tourism or the Philippine Convention & Visitors Corporation (PCVC), to act as Secretary-General for the Philippine participation in Expo 2010 who shall, among others, act as the contact person of Expo 2010 organizers, attend all activities that will be required by Expo 2010 organizers and, perform such functions that will be necessary to ensure the successful participation of the Philippines at Expo 2010 in accordance with the rules and regulations of the Bureau of International Exposition (BIE).

Section 5. *The Secretariat.* The Commissioner-General, through the Secretary-General, shall establish a Secretariat that shall undertake and oversee the day-to-day operation and over-all preparations of the Philippine participation in Expo 2010.

Personnel of the Secretariat shall be sourced from the various units with the DOT and PCVC who shall be provided with honoraria or allowances as may be allowed and at rates consistent with those prescribed by law.

Section 6. *Funding.* Funds necessary for the Philippine participation in Expo 2010, including operations of the Secretariat and sub-committees, shall come from, among others, the following sources:

- a. Allocation from the Department of Tourism and its attached agencies (i.e. Philippine Tourism Authority and Duty Free Philippines) in the amount of ONE HUNDRED FIFTY MILLION PESOS (P150M);
- b. Allocation from the Philippine Amusement and Gaming Corporation in the amount of FIFTY MILLION PESOS (P50M);
- c. Allocation from the Department of Foreign Affairs in the amount of TWENTY MILLION PESOS (P20M);
- d. Allocation from the Department of Trade and Industry in the amount to TEN MILLION PESOS (P10M);
- e. Allocation from the Manila International Airport Authority (MIAA) in the amount of FIVE MILLION PESOS (P5M);
- f. Allocation from the Department of Environment and Natural Resources in the amount of FIVE MILLION PESOS (P5M);
- g. Allocation from the Department of Science and Technology in the amount of ONE MILLION PESOS (P1M)
- h. Allocation from the Metro Manila Development Authority in the amount of FIVE MILLION PESOS (P5M);
- i. Proceeds from sponsorships, registration and/or participation fee of exhibitors at the Philippine Pavilion, and merchandising activities; and
- j. Proceeds from savings, income generated from commercial activities and donations or grants accruing from the Philippine participation in Expo Zaragoza 2008.

The financial subsidy to be given by the various members of the Philippine Organizing Committee shall be recorded in their books as subsidy to National Government Agencies. The receipt of subsidy shall be recorded by the lead implementing agency as subsidy income. The lead implementing agency shall then issue a corresponding official receipt to acknowledge subsidy.

All funds to be solicited for this purpose shall be placed in separate bank account that will be opened by the POC Secretariat as authorized by the Secretary of Tourism, with account name: Expo Shanghai 2010. A separate book of accounts shall be maintained by the POC for this project.

All savings from operations and income to be generated from commercial activities, and other donations or grants from other sources at the closing of Expo 2010, shall be held in trust by the POC as standby fund for use in future Philippine participation in major international expositions sanctioned by the Bureau of International Expositions.

Section 7. *Report to the President.* Relative to the performance of its mandate, the POC, through the Commissioner-General, shall submit periodic reports to the President, and a final report within sixty (60) days after the closing of Expo 2010.

Section 8. *Cessation of the Committee.* The Committee shall cease to exist sixty (60) days after submission of its final report as provided in Section 7 thereof, unless otherwise ordered by the President.

Section 9. *Effectivity.* – This Administrative Order shall take effect immediately.

Done, in the City of Manila, this 1st day of December, in the year of our Lord, Two Thousand and Eight.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2008). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 247

WHEREAS, the challenging times require out-of-the-box, not-business-as-usual solutions;

WHEREAS, the POEA should be challenged by the challenging overseas employment environment into crafting aggressive overseas employment strategies that defy the trend of a constricting job market;

WHEREAS, an examination of the global examination map indicates that the sheer volume of requirements of new job markets, if properly exploited by the Philippine Overseas Employment Administration, is adequate to fill up the possible slack that may be caused by the constricting market in the traditional host countries such as the continental United States;

WHEREAS, several regions in Canada are at an unprecedented recruitment binge;

WHEREAS, a building boom in Guam will soon energize the recruitment of skilled Filipinos;

WHEREAS, the United Arab Emirates is not about to slow down on the hiring of Filipino expatriates;

WHEREAS, the recruitment of information technology (IT) professionals, those skilled in hard-core and embedded technologies, has intensified and has shown no sign of tapering off;

WHEREAS, the placement of Philippine merchant marine officers, from the ordinary able-bodied seamen to the prized vessel chief engineers and captains, has been on the rise despite the reported slowdown in the shipping business;

WHEREAS, a mere Philnits certification, the informal board examination for the Philippine IT professionals, is enough to secure a Japanese work visa;

WHEREAS, the best and the most competitive workers are the first to be recruited and the last to be laid off;

WHEREAS, with world-class skills come tenure and job security;

WHEREAS, the aforementioned principle applies across the globe;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by the powers vested in me by law, do hereby order:

SECTION 1. The Philippine Overseas Employment Administration (POEA) shall execute a paradigm shift by refocusing its functions from regulation to full-blast markets development efforts, the exploration of frontier, fertile job markets for Filipino expatriate workers.

SECTION 2. Within the next few weeks, the POEA shall submit to the President a global employment map with emphasis on what can be called the Code Green areas, countries that are aggressively recruiting foreign workers, hence, natural deployment sites for Filipino expatriates.

SECTION 3. The Cabinet shall render full support to the POEA so it can aggressively deploy Filipino expatriates into the aforementioned Code Green countries with urgency and unbothered by institutional hurdles.

SECTION 4. The POEA shall update and expand its Rolodex on its country-contacts, global companies recruiting expatriate workers, international head hunters and manpower placement agencies with a global reach.

SECTION 5. The target shall be to increase the countries currently hosting Filipino workers and break through the 200-country barrier.

SECTION 6. The Technical Education and Skills Development Authority (TESDA) shall recast its priorities in line with the aggressive labor marketing efforts of the POEA.

SECTION 7. TESDA shall intensify its skills retraining and skills upgrading program.

Done in the City of Manila on this 4th day of December, 2008

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 248

WHEREAS, in these trying times for the expatriate Filipino worker, the government should not sit idly and do nothing;

WHEREAS, it is now payback time for the government;

WHEREAS, the heroic efforts of the expatriate Filipino workers should not go unreciprocated;

NOW THEREFORE I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by law, do hereby order:

Section 1. A program of full reciprocity for the heroic efforts of the expatriate Filipino workers shall be carried out to help those who might return home from their host countries that are now being buffeted by an economic crisis whose depth and scope is still unraveling.

Section 2. The Department of Labor and Employment (DOLE) and the Overseas Workers' Welfare Administration (OWWA) shall take the lead in carrying out the government's payback program for the expatriate Filipino workers.

Section 3. The first component of this reciprocity program shall be the setting up of a Filipino Expatriate Livelihood Support Fund in the amount of P250 million to be financed by OWWA and supported by government lending institutions. Displaced expatriate workers can access the Fund to help capitalize startup businesses, finance further studies and training, or serve as seed money for any appropriate economic undertaking.

Section 4a. DOLE to draft the implementing guidelines immediately.

Section 4b. The rules and mechanics of accessing this money shall be simple and hassle-free. Returning expatriate workers shall not be subjected to irrational rules and red tape.

Section 5. The DOLE and the OWWA shall coordinate with the government's economic and investment agencies to identify start-up businesses that the returning expatriates can engage in.

Section 6. The second component of the reciprocity program shall be the full government support in helping the returning expatriate Filipino workers find remunerative jobs.

Section 7. Help desks that would match the skills, training and experience of the returning expatriate Filipino workers with local jobs available shall be set up by the DOLE/OWWA in all provinces to make the services easily accessible.

Section 8. A steady stream of online information about domestic job vacancies also be made available to the returning expatriate workers for free.

Section 9. For returning expatriate Filipino workers who want to cross over to other countries that are in need of their skill and talent, the Philippine Overseas Employment Administration shall carry out a marketing blitz to expand the market for expatriate Filipino workers.

DONE in the City of Manila on this 4th day of December, in the Year of Our Lord Two Thousand and Eight.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 249

FURTHER STRENGTHENING GOVERNMENT POLICIES, PLANS, AND PROGRAMS FOR THE EFFECTIVE PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE OCCASION OF THE 60TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

WHEREAS, the 10th of December 2008 marks the 60th anniversary of the United Nations General Assembly's adoption and proclamation of the Universal Declaration of Human Rights (UDHR), with the Philippines as among its first signatories, and joining the community of nations at the forefront in the promotion and protection of human rights all over the world;

WHEREAS, the Philippine government, as one of the first elected members of the United Nations Human Rights Council, recognizes the significance of this occasion as an inspiring symbol spurring the government's overall effort to promote and protect human rights;

WHEREAS, the Philippine Government deems it fit to mark this event by further strengthening its existing policies, plans and programs in accordance with the specific principles, rights, and freedoms specifically identified in the UDHR as a manifestation of its commitment to fully comply and abide by the tenets of the Declaration;

WHEREAS, the Philippine government renews its commitment to the general principles of the UDHR that specifies that humans, being born free and equal and in brotherhood with one another, are equal before the law, are entitled to all the human rights, and, as such, shall not be deprived of these rights;

WHEREAS, the 1987 Constitution comprehensively addresses and even enhances the principles, freedoms and rights embodied in the UDHR, thus defining the country's lasting contributions to the Declaration;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order as follows:

SECTION 1. All concerned departments, agencies, bodies, and instrumentalities of the Executive branch of government, including local government units, are directed to strengthen and to ensure compliance to their existing policies, plans and programs as they would enhance government's overall effort in the promotion and protection of human rights, taking into account the specific applicable rights and freedoms embodied in the Universal Declaration of Human Rights (UDHR), as follows:

- a. Department of Justice to exhaust all legal means for the swift and just resolution of cases of alleged human rights violations against political and media personalities, and leaders in the labor, urban poor, and agricultural sectors, and to ensure that the perpetrators are held accountable before the law.
- b. Department of Justice to implement an updated comprehensive legal education campaign that will further inform and educate the general public on their basic rights under the Philippine justice system; and, in partnership with the Department of Budget and Management and in cooperation with Congress, to strengthen the capability of the Public Attorneys Office and the Public Prosecutors Office, specifically by hiring more lawyers to better attend to the legal needs of indigents in conflict with the law, with the

-
- corresponding fund support for additional lawyers and legal officers, and for the increase in the salaries of and the grant of special allowances for prosecutors and PAO lawyers;
- c. Department of National Defense and Department of Interior and Local Government to enhance their respective human rights training programs for military and police officers and personnel to ensure that rights of civilians, communities, internally displaced persons, as well as detained persons, are promoted and protected during peace and order and internal security operations, underscoring, among others, the importance of command responsibility and accountability;
 - d. Department of Interior and Local Government to spearhead capability-building on human rights for local government units in partnership with national human rights institutions, sectoral groups, and civil society organizations, and to ensure the accountability of LGUs in the effective information dissemination of human rights in their communities;
 - e. Department of Education to assess the current implementation of its human rights education exemplars and to move towards the creation of centers for human rights education in public schools in partnership with human rights institutions, sectoral groups, and civil society organizations to build a constituency of human rights advocates among students and the youth;
 - f. Department of Education, Commission on Higher Education, and Technical Education and Skills Development Authority to spearhead the implementation of the Philippine Main Education Highway Program as contained in the proposal of the Presidential Task Force on Education for the improvement of basic education, increased student retention rate, and actual completion of higher education;
 - g. Department of Social Welfare and Development to ensure that the implementation of the National Social Welfare Program that seeks to protect the poor and the vulnerable sectors of society, including the informal sectors, and allows them equal and broader access to public service, are made attuned to the rights-based-approach in the extension of its programs;
 - h. Department of Labor and Employment to enhance programs for reintegration of Overseas Filipino Workers (OFW), such as improving the National Reintegration Center for OFWs (NCRO) to address the needs of returning OFWs and members of their families, such as entrepreneurship training, livelihood projects, etc;
 - i. National Commission on the Role of Filipino Women to lead a gender-sensitive information campaign for the provision of gender-sensitive public services by local government units, and other frontline government agencies, such as the Department of National Defense – Armed Forces of the Philippines; Department of Interior and Local Government-Philippine National Police, Department of Social Welfare and Development, and Department of Justice, including others involved in addressing violence against women;
 - j. National Commission on Indigenous Peoples to undertake programs that will further promote and protect the rights of indigenous peoples in the country in consonance with the Indigenous Peoples Rights Act, taking into account their significant contributions to the economic, social and cultural life of the Filipino nation;
 - k. National Anti-Poverty Commission to aggressively ensure the rationalization of all efforts of agencies concerned that bear on the reduction of poverty in the country, focusing on the role of basic sectors and their contribution to poverty alleviation;
-

- l. National Economic Development Authority to ensure that the principles of the rights-based approach are integrated, reflected and defined in the formulation of the country's development policies, plans, and programs;
- m. Council for the Welfare of Children, in partnership with the Office of the Presidential Adviser on the Peace Process, to advance and implement a more effective framework that will further guarantee the protection of children in situations of armed conflict and, in partnership with the Department of Justice, to ensure the proper treatment of children in conflict with the law;
- n. Local government units, on guidance from the Department of Interior and Local Government, to integrate the pertinent principles and rights in the UDHR into their respective development plans and programs, starting with, in partnership with the Presidential Commission on the Urban Poor, the institution of effective local ordinances and rules and regulations in the implementation of the Urban Development and Housing Act, specifically in the proper relocation of informal settlers and for other assistance

SECTION 2. All departments, agencies, offices, bodies, and instrumentalities are to comply with these directives cognizant that sanctity of life and the dignity of the human person must, at all times, be upheld, respected, and protected.

SECTION 3. Proper compliance to this order by the concerned Executive departments, offices, agencies, bodies, and instrumentalities, including local government units, shall be further rationalized, coordinated, supervised, and monitored by the Presidential Human Rights Committee. Year-end performance reports to the President shall be required by the PHRC from the concerned offices.

SECTION 4. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 10th day of December, the year of our Lord, Two Thousand and Eight.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 250
AUTHORIZING THE GRANT OF PERFORMANCE BONUS FOR FY 2008

WHEREAS, the government is cognizant of the economic difficulties which may arise as a result of the global financial crisis;

WHEREAS, despite these economic challenges, government personnel have discharged their duties with dispatch and provided quality service to the Filipino people;

WHEREAS, their commendable effort enabled government agencies to attain efficiency in government operations which contributed to the generation of savings;

WHEREAS, it is the policy of the government to improve the economic welfare of government personnel;

NOW THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law do hereby order:

SECTION 1. All personnel of the government who are employed by National Government Agencies (NGAs) and Government Owned or Controlled Corporations (GOCCs) including Government Financial Institutions (GFIs), whether hired on permanent, temporary, casual or contractual basis, and who have rendered at least four (4) months of service as of November 30, 2008, are entitled to receive a one time grant of a maximum of Ten Thousand Pesos (P10,000.00) each as Performance Bonus (PerB).

SECTION 2. Government personnel who have rendered less than four (4) months of service as of November 30, 2008 shall also be entitled to PerB on a pro-rated basis as follows:

Length of Service	Percentage
3 months but less than 4 months	40%
2 months but less than 3 months	30%
1 month but less than 2 months	20%
Less than 1 month	10%

SECTION 3. The PerB shall be granted to all government personnel who have not received an additional year-end benefit in FY 2008 over and above the benefit authorized under R.A. No. 6686, as amended by R.A. No. 8441.

SECTION 4. Funds needed to implement this Order shall be charged against the following:

- a. For national government agencies except the Constitutional Offices/Fiscal Autonomy Group (CFAG), the amount required shall be charged against:
 - 2.) Additional funds to be released by the DBM to cover P7,000.00 for each government personnel, chargeable against savings from unreleased appropriations under the FY 2008 budget which shall be pooled by DBM for the purpose; and,
 - 3.) Savings in the respective agency allotment for the remaining P3,000.00 for each government personnel. In the event that the agency savings is insufficient to cover

in full the remaining P3,000.00 per employee, partial implementation of the benefit herein authorized shall be made, provided that said partial implementation shall be uniform for all positions, subject to the limitations set forth under Section 2 of this Order.

- b. For agencies belonging to the CFAG, the amount required shall be charged against their available savings; and
- c. For GOCCs and GFIs, the amount needed shall be charged against savings from their respective approved corporate budget. GOCCs and GFIs which do not have adequate or sufficient resources may partially implement the benefit herein authorized, provided that the partial implementation shall be uniform for all positions.

SECTION 5. Payment of this benefit shall be made not earlier than December 15, 2008.

SECTION 6. The implementing rules and regulations covering this Order shall be issued by the DBM.

SECTION 7. This Order shall take effect immediately.

DONE in the City of Manila, this 10th day of December, in the Year of Our Lord, Two Thousand and Eight.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 251

**PLACING THE ADMINISTRATION OF *BAHAY PANGARAP* IN MALACAÑANG PARK UNDER
THE INTERNAL HOUSE AFFAIRS OFFICE**

Whereas, *Bahay Pangarap* in Malacañang Park, currently under the administration of the Presidential Security Group, is used for Presidential and Cabinet functions organized by the Internal House Affairs Office (IHAO); and

Whereas, in order to properly ensure the maintenance and upkeep of the area, as well as facilitate the necessary preparations whenever there are presidential and cabinet functions therein, it is necessary to transfer its administration under the IHAO;

NOW THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by the powers vested in me by law, do hereby order:

Section 1. The administration of *Bahay Pangarap* in Malacañang Park is hereby placed under the Internal House Affairs Office (IHAO).

Section 2. The security of *Bahay Pangarap* shall continue to be handled by the Presidential Security Group (PSG). The IHAO shall coordinate with the PSG on matters of security relating to the usage of the area.

Section 3. This Administrative Order shall take effect immediately.

DONE this 22nd day of December, 2008 in the City of Manila.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2008). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 252

ENJOINING THE DEPARTMENT OF JUSTICE, THE PHILIPPINE DRUG ENFORCEMENT AGENCY, THE NATIONAL BUREAU OF INVESTIGATION AND ALL EXECUTIVE OFFICES TO COOPERATE WITH THE INDEPENDENT FACT-FINDING COMMITTEE CREATED IN RELATION TO THE SO-CALLED “ALABANG BOYS”

Whereas, the current controversy surrounding the so-called “Alabang Boys” – the alleged drug buy-bust operation, the alleged bribery of Philippine Drug Enforcement Agency (PDEA) and Department of Justice (DOJ) officials, the alleged irregularity committed by the handling prosecutors in recommending dismissal of the complaint – is a matter of grave concern and is being seriously looked into by the President;

Whereas, the President has created an independent fact-finding committee to look into the conduct of the prosecutors in the handling and resolution of the “Alabang boys” and to validate the findings of the National Bureau of Investigation on the allegations of bribery, ensuring that all the testimonies of the officials involved, both coming from the DOJ and PDEA, are considered;

Whereas, the Committee is only given fifteen (15) days from the date of final creation to come up with its findings and recommendations to the President.

NOW, THEREFORE, I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by law, do hereby order:

Section 1. The Department of Justice, the Philippine Drug Enforcement Agency, the National Bureau of Investigation and all concerned offices are hereby enjoined to promptly cooperate with and assist the “Alabang Boys” Independent Fact-Finding Committee in performing its functions. All officials and employees within the Executive who may be invited by the Committee as resource persons shall attend its hearings and discussions, answer its queries and submit all pertinent documents requested and/or required by the Committee.

Section 2. All heads of offices shall ensure the prompt cooperation, assistance and attendance of their officials or employees who may be invited as resource persons by the Committee.

Section 3. This Order shall take effect immediately.

Done in the City of Manila, this 29th day of January, in the year of Our Lord, Two Thousand and Nine.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 253
AUTOMATIC REVIEW OF THE DECISIONS AND RESOLUTIONS OF THE SECRETARY
OF JUSTICE INVOLVING DISMISSAL OF CASES UNDER REPUBLIC ACT NO. 9165
(COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002)

WHEREAS, Administrative Order (A.O.) No. 18, dated February 12, 1987, prescribes rules and regulations governing appeals to the Office of the President;

WHEREAS, Memorandum Circular (M.C.) No. 58, dated June 30, 1993, governs the review by the Office of the President of the resolutions of the Secretary of Justice concerning preliminary investigations of criminal cases;

WHEREAS, the dangerous drugs menace poses imminent danger to the public interest and safety;

NOW, THEREFORE. I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. All decisions and resolutions of the Secretary of Justice involving dismissal of cases under Republic Act No. 9165 (Comprehensive Dangerous Drugs Act of 2002) shall be subject to the automatic review of the Office of the President (OP).

Pending review by the OP, execution of the decision or resolution shall be stayed.

Section 2. The entire records of the case shall be elevated by the Secretary of Justice to the OP within five (5) days from the issuance of his decision or resolution.

Section 3. The automatic review enunciated hereon shall not preclude the concerned parties from appealing their cases to the OP pursuant to A. O. No. 18 and M. C. No. 58.

Section 4. A. O. No. 18 and MC No. 58 are hereby amended accordingly.

Section 5. This Order shall take effect fifteen (15) days from its publication in a national newspaper of general circulation.

DONE in the City of Manila, this 29th day of January, in the year of our Lord, Two Thousand and Nine.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 254

MANDATING THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS TO
LEAD IN FORMULATING A NATIONAL ENVIRONMENTALLY SUSTAINABLE TRANSPORT
(EST) FOR THE PHILIPPINES

WHEREAS, Executive Order (EO) No. 774 dated 26 December 2008 reorganized the Presidential Task Force on Climate Change;

WHEREAS, Section 9 of EO No. 774 provided that to reduce the consumption of fossil fuels, the Department of Transportation and Communications (DOTC) shall lead a Task Group on Fossil Fuels (TGFF) to reform the transportation sector;

WHEREAS, officials of the DOTC attended the Ministerial Conference on Global Environment and Energy in Transport in Japan on 14-16 January 2009, wherein the ministers responsible for environment and energy in the transport sector committed to combating climate change.

NOW, THEREFORE, I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by law, do hereby order:

SECTION 1. *Mandating the Task Group on Fossil Fuels (TGFF) to formulate a National Environmentally Sustainable Transport Strategy for the Philippines* – The TGFF shall be primarily responsible for the effective coordination by various agencies of the government, international organizations and the private sector pertaining to the formulation of the National Environmentally Sustainable Transport (EST) Strategy, including all activities related thereto.

SECTION 2. *Composition of the TGFF* – The TGFF shall be composed of the following:

- a. Group Head: Secretary, Department of Transportation and Communications
- b. Group Deputy Head: Secretary, Department of Environment and Natural Resources
- c. Members: Secretary, Department of Energy
Secretary, Department of Public Works and Highways (DPWH)
Executive Secretary
Presidential Adviser on Climate Change (PACC)
Secretary, Department of Budget and Management (DBM)
Secretary, Department of the Interior and Local Government (DILG)
Secretary, Department of Health
Secretary, Department of Finance
Secretary, Department of Trade and Industry
Director-General, National Economic and Development Authority
Chief Executive Officer and Commissioner, Housing and Land Use Regulatory Board
Chairman, Metropolitan Manila Development Authority
Chairperson, National Commission on the Role of Filipino Women

Representatives from the academe, and
Representatives from the private sector.

The TGFF may form sub-Task Groups or Technical Working Groups composed of representatives from government agencies concerned and private sector or non-governmental organizations to perform specific duties and assignments.

SECTION 3. *Secretariat* – A Secretariat composed of representatives from the DOTC, the National Center for Transportation Studies of the University of the Philippines and the Presidential Adviser on Climate Change is hereby created to assist the Task Group.

SECTION 4. *Functions of the TGFF* – In addition to the functions provided in EO 774, the TGFF shall initiate and pursue the formulation of the National EST Strategy for the Philippines.

Specifically, the TGFF shall perform the following functions:

(a) Reform the transport sector to reduce the consumption of fossil fuels. The new paradigm in the movement of men and things must follow a simple principle: “Those who have less in wheels must have more in road.” For this purpose, the system shall favor non-motorized locomotion and collective transportation system (walking, bicycling, and the man-powered mini-train).

(b) Through the DOTC and the DPWH, immediately transform roads using the aforesaid principle.

(c) Through Malacañan Palace and all Cabinet offices, bring down by fifty percent (50%) the consumption of fossil fuels within two (2) years from the issuance of EO 774.

(d) Review the conformity of existing Philippine laws and regulations with established standards and provisions of EST.

(e) Identify, classify and prioritize programs toward realizing EST in the Philippines.

(f) Identify and establish the institutional and technical infrastructure requirement to implement the National EST Strategy.

(g) Through the DILG, coordinate with local government units and guide them on the plan to transform the locomotion and transportation system to favor parties who have no motorized vehicles, and facilitate the mainstreaming of the National EST Strategy.

(h) Through the PACC, consult with the biggest consumers and undertake extensive mass media social marketing and mobilization campaigns to reduce consumption of fossil fuels, as well as consult and coordinate with pertinent agencies and other bodies concerned concerning EST related plans and programs.

(i) Through the Secretaries of the DOTC, DBM, and DPWH, report to the President through the PACC every 48 hours on the progress of the initiatives stated in this Section.

(j) Perform such other duties and functions which may be necessary in the attainment of the objectives of the National EST Strategy, and such other acts as may be necessary and proper to implement this Order.

SECTION 5. *Funding* – To support the operations and activities of the Task Group, the DBM shall immediately make available funds from the Special Vehicle Pollution Control Fund of the Motor Vehicle Users’ Charges and other such funding sources as may be recommended by it.

SECTION 6. *Repealing Clause* – All executive issuances, orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Order are hereby repealed, amended or modified accordingly.

SECTION 7. *Effectivity* – This Order shall take effect fifteen (15) days after its publication in a national newspaper of general circulation.

Done in the City of Manila, this 30th day of January, in the year of Our Lord, Two Thousand and Nine.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 255
DIRECTING THE HEADS OF THE EXECUTIVE DEPARTMENT TO LEAD
MORAL RENEWAL IN THEIR AGENCIES

WHEREAS, Section 1 of Article XI of the 1987 Philippine Constitution provides that public office is a public trust and that public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency; act with patriotism and justice, and lead modest lives;

WHEREAS, Section 27 of Article II of the 1987 Philippine Constitution mandates that the State shall maintain honesty and integrity in the public service;

WHEREAS, Section 23 of Article II of the 1987 Philippine Constitution directs the State to encourage the participation of non-governmental, community-based, or sectoral organizations in promoting the welfare of the nation;

WHEREAS, Section 2 of Republic Act No. 6713, otherwise known as the “Code of Conduct and Ethical Standards for Public Officials and Employees” provides that it is the policy of the State to promote a high standard of ethics in public service;

WHEREAS, pursuant to Section 39, Chapter 8, Book IV of Executive Order No. 292, otherwise known as the “Administrative Code of 1987,” the Secretary of a department shall have supervision and control over the bureaus, offices, and agencies under him;

WHEREAS, in line with the Medium-Term Philippine Development Plan (MTPDP) for 2004-2010 of the Macapagal-Arroyo administration, there is an urgent need for societal reform through moral renewal and values formation in the Executive Department;

NOW THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order and direct:

SECTION 1. LEADERSHIP IN MORAL RENEWAL. All cabinet secretaries/heads of agencies shall adopt and implement a Moral Renewal Program in their agencies.

Moral renewal refers to values formation and ethical behavior for government officers and employees, as well as the strengthening of people’s values to achieve zero tolerance for corruption. It shall include, among others, the following:

- a. Promotion of the Filipino values embodied in the Preamble of the 1987 Constitution, in particular: (i) the value of being *maka-Diyos*, which encompasses faith in the Almighty; (ii) the value of being *maka-tao*, which includes truth, justice, freedom, love, equality, and peace; (iii) the value of being *maka-bayan*, which includes respect for the law, the government of the Republic of the Philippines and its instrumentalities, patriotism, promotion of the common good and building a just and humane society; and (iv) the value of being *maka-kalikasan*, which involves the conservation and development of our patrimony;
- b. Ensuring that all bureaus, regional offices, and attached agencies of Departments nationwide adopt and implement the Integrity Development Action Plan (IDAP), which is the National Anti-Corruption Framework for the Executive Branch;

- c. The expansion and strengthening of the membership of the Integrity Committee in every department, agency, bureau, and office;
- d. The formulation, promulgation and adoption of an agency-specific Code of Conduct, or the updating of existing Codes of Conduct to reflect the IDAP;
- e. Values formation activities of the Presidential Council on Values Formation; and
- f. The strict observance by all public officers of the principle of moral leadership by example, especially by Cabinet Secretaries.

SECTION 2. PARTICIPATION OF RELIGIOUS, CIVIL SOCIETY AND CIVIC GROUPS.

Agencies shall enlist the participation of religious, civil society and civic groups through consultations, program development, promotion and implementation of their Moral Renewal Program.

SECTION 3. IMPLEMENTATION. Agencies shall submit their respective Action Plans for their Moral Renewal Program to the Presidential Anti-Graft Commission (PAGC), copy furnished the President, within ninety (90) days from effectivity hereof.

SECTION 4. MONITORING AND EVALUATION. It shall be the duty of PAGC to monitor and evaluate the implementation and evaluate the effectiveness of the Moral Renewal Program of the agencies, which shall include surveys of, and feedback from, agency officers and employees of all levels on the manner by which their respective heads have been complying with this Administrative Order and adopting the principles embodied herein.

PAGC shall submit regular reports to the President on the progress and status of the implementation of the Moral Renewal Program, copy furnished all the religious, civil society and civic groups enlisted in accordance with Section 2 of this Administrative Order.

SECTION 5. ALLOCATION OF FUNDS. Agencies are hereby directed to allocate a portion of their maintenance, operations and overhead expenditures (MOOE) budget as funding for their Moral Renewal Program.

SECTION 6. EFFECTIVITY. This Administrative Order shall take effect immediately after it has been published in at least two (2) newspapers of general circulation in the Philippines.

DONE this 30th day of January, 2009 in the City of Manila.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 256

DESIGNATING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
AS THE LEAD AGENCY TO ORGANIZE, MANAGE, AND IMPLEMENT THE PHILIPPINE
HOSTING OF THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION
(UNIDO) INTERNATIONAL CONFERENCE ON GREENING INDUSTRY IN ASIA

WHEREAS, there is an urgent need to mitigate the harmful effects of climate change while sustaining rapid economic growth through timely and high-level international cooperation;

WHEREAS, UNIDO has invited the Philippines to host its *International Conference on Greening Industry in Asia: Managing the Transition to Resource-Efficient and Low-Carbon Industries*, in partnership with the UN Environmental Programme (UNEP), the UN Economic and Social Commission for Asia Pacific (UNESCAP) and the Asian Development Bank (ADB), in September 2009;

WHEREAS, the conference will focus on how Asian and Pacific countries can effectively manage the transition to resource-efficient and low-carbon industries so as to sustain and enhance their rapid economic growth and international competitiveness;

WHEREAS, a ministerial-level Manila Declaration and Plan of Action will outline the steps needed to reduce the resource intensity and carbon emissions of the region's industries, will be the main output of the conference;

WHEREAS, the Philippines' sustainable development and economic competitiveness will benefit immensely from the hosting of the conference, which will include an international trade fair to promote Clean Development Mechanism (CDM) projects, resource-efficient technologies, and products and services to reduce carbon emissions;

WHEREAS, there is a need to constitute a national committee to organize and carry out efficiently all the scheduled activities relative to the conference, including a ministerial meeting, roundtable discussions, trade fair, industry exhibits and other related activities;

WHEREAS, the Department of Environment and Natural Resources is responsible for issues related to the environment;

NOW, THEREFORE, I, GLORIA MACAPAGAL ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. *Lead Agency* – The Department of Environment and Natural Resources (DENR) shall be the lead agency to organize the hosting of the UNIDO International Conference on the Greening Industry in Asia.

Section 2. *Agency Support* – The DENR shall be supported by the following agencies:

Office of the Executive Secretary (OES)
Department of Energy (DOE)
Department of Foreign Affairs (DFA)
Department of Science and Technology (DOST)
Department of Trade and Industry (DTI)
National Economic and Development Authority (NEDA)

Department of Agriculture (DA)
Department of Budget and Management (DBM)

The representatives of the agencies shall be at least Undersecretary-level.

The DENR shall coordinate the integrated assistance by seeking technical, financial and administrative support from the abovementioned offices, as well as from the Department of Tourism (DOT), Department of the Interior and Local Government (DILG), Department of National Defense (DND), Department of Transportation and Communications (DOTC), Department of Education (DepEd), Office of the Press Secretary (OPS), Office of the Presidential Protocol (OPP), Office of the Group Commander, Presidential Security Group (PSG), the head of the Local Government Unit (LGU) where the conference will be held, and from the private sector.

Section 3. The DENR shall perform, among others, the following tasks and functions:

- 3.1. Formulate and recommend a work program and budget plan for the hosting of the UNIDO International Conference on Greening Industry in Asia and its related activities to the President within sixty (60) days from the signing of this Administrative Order;
- 3.2. Implement the work program once approved by the President and supervise and monitor all activities in relation thereto;
- 3.3. Call upon any official, agent, employee, agency or instrumentality of the national or local government for any assistance that may be necessary to ensure the success of the Philippine hosting of the UNIDO International Conference on Greening Industry in Asia;
- 3.4. Engage the support, assistance and cooperation of the private/business sector and non-governmental organizations in the preparations and conduct of the meetings;
- 3.5. Create committees, task forces and other appropriate bodies to effectively carry out its objectives;
- 3.6. Subject to existing laws, rules and regulations, enter into agreements and contracts necessary for the attainment of the objectives of this Administrative Order, including contract for services.

Section 4. *Funding* – The initial funding requirement for the preparation and hosting of the UNIDO International Conference on Greening Industry in Asia in the amount of One Hundred Million Pesos (P100M) shall be charged against the International Commitments Fund (ICF), Republic Act No. 9498. Additional amounts as may be necessary shall be sourced from the budget or savings of the member agencies indicated above or from any available funds as may be determined by the Secretary of Budget and Management.

Section 5. *Administrative Guidelines* – The DENR may adopt such administrative guidelines or regulations as may be necessary to achieve the objectives of this Administrative Order.

Section 6. *Effectivity* – This Administrative Order shall take effect immediately.

Done in the City of Manila, this 9th day of March, in the year of our Lord, Two Thousand and Nine.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 257
ORDERING THE NATIONAL POLICE COMMISSION TO RENDER ITS REPORT ON THE
QUEZON CITY SHOOTOUT WITHIN TWO WEEKS

Whereas, the Administration showed swift action and concern by ordering the probe by the Philippine National Police of the death of the daughter of a New Peoples' Army member;

Whereas, the National Police Commission took a decisive step and showed impartiality in preventively suspending immediately the twenty-nine (29) police personnel who were allegedly involved in the recent shootout incident in Epifanio de los Santos Avenue, Quezon City;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by the powers vested in me by law, do hereby order the National Police Commission to render its report on the shootout incident within two (2) weeks from receipt of this Order.

DONE on the 9th of March, in the Year of Our Lord, Two Thousand and Nine.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 258
CREATING AN INDEPENDENT INTER-AGENCY TASK FORCE TO INVESTIGATE THE CASES
OF THE LEGACY GROUP

Section 1. There is hereby created an independent inter-agency Task Force to investigate the cases of the Legacy group.

Section 2. The Task Force shall be headed by a representative of the Presidential Anti-Graft Commission as Chair, with representatives of the following agencies as members:

Securities and Exchange Commission
Bureau of Internal Revenue
Department of Justice
Department of Labor and Employment
Housing and Land Use Regulatory Board.

Section 3. Representatives from the Bangko Sentral ng Pilipinas, Bankers Association of the Philippines, Catholic Bishops Conference of the Philippines (CBCP), and a civic organization to be identified by the President of the Philippines shall be invited to participate in the investigation.

Section 4. The Task Force shall have sufficient and full power to conduct an in-depth investigation surrounding the Legacy P30 billion cases and the people responsible therefore. The period of investigation shall be for six months, the results of which shall be given to the Office of the President of the Philippines, with copies simultaneously furnished the Office of the CBCP, the United Council of Churches of the Philippines, the Iglesia ni Cristo, the Islamic D'awah Council of the Philippines, the National Press Club and the Monetary Board.

Section 5. This Order shall take effect immediately.

Done in Manila, on the 16th day of March, in the Year of Our Lord, Two Thousand and Nine.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 259

DIRECTING THE SECRETARY OF LABOR AND EMPLOYMENT TO LEAD THE
ORGANIZATION AND IMPLEMENTATION OF A PROGRAM OF ACTIVITIES IN
COMMEMORATION OF THE 111TH ANNIVERSARY OF PHILIPPINE INDEPENDENCE ON
JUNE 12, 2009

WHEREAS, the heroism, patriotism and nationalism of our forebears in the struggle for independence of our country merit noble commemoration;

WHEREAS, the 111th Anniversary of the proclamation of Philippine Independence is an ideal occasion for all Filipinos to unite and celebrate the freedom and liberty of our nation and to rally behind the government and the country's institutions;

WHEREAS, in order to have a truly meaningful celebration, the proper planning, coordination and implementation of all activities are needed;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Secretary of Labor and Employment is hereby directed to take the lead in the planning, coordination, and implementation of the program of activities and events in celebration of Independence Day on June 12, 2009, with the theme "*Kagitingan, Kagalingan at Kasipagan Tungo sa Tunay na Kalayaan*."

SECTION 2. The Department of Labor and Employment, as the lead agency of the celebrations, shall convene inter-agency organizing task force to plan, coordinate and implement effectively all programs, projects and activities related to this national event.

SECTION 3. All departments, bureaus, offices, national government agencies, local government units and government owned and controlled corporations are hereby enjoined to give full support, assistance, and cooperation to the Secretary of Labor and Employment in the exercise of his responsibilities under this Administrative Order.

SECTION 4. All branches of the government are enjoined to actively participate in the Independence Day celebrations, as well as to enlist the participation of private sector groups and non-government organizations, so that the commemoration of the 111th Anniversary of the country's independence will truly demonstrate the spirit of patriotism, unity and national identity of the Filipino people.

Local government units, together with private sector groups and non-government organizations, and the Philippine Embassies abroad are likewise enjoined to celebrate Independence Day in their respective localities and offices.

SECTION 5. The events and activities for the Philippine Independence Day Celebration shall include, to the extent appropriate, the following:

- a. **Pambansang Araw ng Watawat** (National Flag Day) on May 28, as the kick-off ceremony.

- b. **Flag-Raising and Wreath-Laying Ceremonies** at the Rizal National Monument, Rizal Park, Manila, in the morning of June 12.

This particular activity shall be replicated in places of national historical significance, such as the Barasoain Church Historical Landmark in Malolos City, Bulacan; the Aguinaldo Shrine in Kawit, Cavite; the Mausoleo de los Veteranos de la Revolucion at the Manila North Cemetery; the Bonifacio National Monument in Caloocan City; and the Pinaglabanan Memorial Shrine in San Juan, Manila. All other cities and municipalities around the country are enjoined to simultaneously hold similar activities on the same day and time.

SECTION 6. The Department of Budget and Management is hereby directed to provide the necessary funding support for the expenses in connection with the activities commemorating the 111th Anniversary of Philippine Independence, chargeable against appropriate funds for the purpose and subject to existing and pertinent budgetary, auditing rules and regulations.

SECTION 7. In support of the celebrations, all concerned government agencies and local government units, subject to budgetary laws and issuances, are authorized to allocate such amounts as may be necessary to defray expenses for the said event.

DONE in the City of Manila, this 20th day of March, in the year of Our Lord, Two Thousand and Nine.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2009). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 260

ENJOINING THE DEPARTMENT OF JUSTICE, THE OFFICE OF THE SOLICITOR GENERAL, THE PRESIDENTIAL ANTI-SMUGGLING GROUP, THE PHILIPPINE DRUG ENFORCEMENT AGENCY, THE NATIONAL BUREAU OF INVESTIGATION AND ALL EXECUTIVE OFFICES TO COOPERATE WITH THE INDEPENDENT FACT-FINDING COMMITTEE CREATED IN RELATION TO THE CASE OF ROBERT LEE, ET AL.

Whereas, the dismissal of the illegal drugs case against Robert Lee, et al. by the handling prosecutors has placed some government officials under public scrutiny and has raised doubts on their impartiality in handling the case;

Whereas, considering the magnitude of the case and its implications on the government's fight against illegal drugs, as well as against graft and corruption, the President has created an independent fact-finding committee to look into the conduct of the prosecutors in the handling and resolution of the case against Robert Lee, et al.; and

Whereas, the Committee is only given fifteen (15) days from the date of final creation to come up with its findings and recommendations to the President.

NOW, THEREFORE, I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by law, do hereby order:

Section 1. The Department of Justice, the Office of the Solicitor General, the Presidential Anti-Smuggling Group, the Philippine Drug Enforcement Agency, the National Bureau of Investigation and all concerned offices are hereby enjoined to promptly cooperate with and assist the Independent Fact-Finding Committee created in relation to the case of Robert Lee, et al. in performing its functions. All officials and employees within the Executive who may be invited by the Committee as resource persons shall attend its hearings and discussions, answer its queries and submit all pertinent documents requested and/or required by the Committee.

Section 2. All heads of offices shall ensure the prompt cooperation, assistance and attendance of their officials or employees who may be invited as resource persons by the Committee.

Section 3. This Order shall take effect immediately.

Done in the City of Manila, this 2nd day of April, in the year of Our Lord, Two Thousand and Nine.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 261
REITERATING GOVERNMENT BELT-TIGHTENING

Whereas, in challenging economic times, the government must tighten its belt and live within its means, just like the average Filipino household;

Whereas, to that end, the government is taking a series of actions to stop unnecessary and wasteful spending;

Whereas, the taxpayers deserve no less from their government and public servants;

Whereas, the government must pour all savings and revenue into programs that help the poor and the middle class;

Whereas, government-wide, a one-and-a-half reduction of Maintenance, Overhead and Operating Expenses translates to a savings of Seven Billion Pesos (P7,000,000,000.00);

Whereas, an Independence Day Parade costs more or less Thirty Million Pesos (P30,000,000.00);

Whereas, some forty thousand (40,000) Filipino workers, notably in the export industry, have been displaced by the global economic crisis;

NOW THEREFORE, I GLORIA M. ARROYO, President of the Philippines, by the power vested in me by law, do hereby order:

Section 1. As mandated earlier this year through Executive Order No. 782, all government agencies and instrumentalities, including all departments, bureaus, attached agencies, government-owned and controlled corporations and government financial institutions, shall reduce their respective Maintenance, Overhead and Operating Expense (MOOE) budgets by one and a half percent (1.5%). Savings from MOOE shall be allocated to emergency employment for the next six (6) months.

Section 2. As mandated in early 2008, all government agencies and entities shall undertake electricity and fuel saving measures, including but not limited to the following: the consumption of fossil fuels shall be brought down by twenty-five percent (25%); electric consumption shall be reduced by at least ten percent (10%); air conditioners shall be turned off at 4:30 p.m. except those with 24-hour work; incandescent bulbs shall be replaced with Compact Fluorescent Lamps; twenty percent (20%) of the vehicles of the national government, including those of the government-owned and controlled corporations, shall be converted to the use of natural gas.

Section 3. National government vehicles, including those of government owned and controlled corporations, which are not issued to an official and are not on official trip, shall be garaged in the agency office, and the keys shall be kept by guards, during weekends and holidays. All local government units are likewise enjoined to adopt the same policy. Letter of Instructions No. 991 (s. 1980) and its corresponding Guidelines embodied in Department Administrative Order No. 82-004 (s. 1982) concerning the issuance of security plates shall be strictly implemented.

Section 4. On Independence Day, June 12, the annual parade shall be foregone. Instead a mega-jobs fair shall be organized to enable the forty thousand (40,000) workers displaced by the global crisis find employment or livelihood.

Section 5. This Administrative Order shall take effect immediately.

DONE in Manila on the 7th day of April, in the Year of Our Lord, Two Thousand and Nine.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 262
PROVIDING FOR THE CHAIRMANSHIP OF THE COMMITTEE FOR ACCREDITATION OF
CARGO SURVEYING COMPANIES

WHEREAS, Administrative Order No. 243 created the Committee for Accreditation of Cargo Surveying Companies composed of:

1. Authorized representative from the Office of the President
2. Authorized representative of the Secretary of Finance
3. Deputy Commissioner of Customs authorized by the Commissioner
4. Two (2) authorized representatives of duly recognized industry associations.

WHEREAS, Section 31, Chapter 10, Title III, Book III of Executive Order Number 292, otherwise known as the Administrative Code of 1987 expressly grants the President the continuing authority to reorganize the executive branch of the government;

NOW THEREFORE I, GLORIA M. ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

The highest ranking member of the Committee for Accreditation of Cargo Surveying Companies shall be the Chairman of the Committee.

DONE in the City of Manila, this 6th day of May, in the year of Our Lord, Two Thousand and Nine.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 263

**CLARIFYING THE FUNCTION OF THE PRESIDENTIAL ADVISER ON REVENUE
ENHANCEMENT TO INVESTIGATE CASES IN THE LARGE TAXPAYERS UNITS OF THE
BUREAU OF INTERNAL REVENUE**

WHEREAS, by Administrative Order, the Presidential Adviser on Revenue Enhancement is authorized to investigate cases in the Large Taxpayers Unit of the Bureau of Internal Revenue;

WHEREAS, Article VII, Section 17 of the Constitution provides that the President shall have control and supervision of all executive departments, bureaus and offices, and shall ensure that laws are faithfully executed;

WHEREAS, the Administrative Code of 1987 provides that the President has the continuing authority to reorganize the Office of the President;

NOW THEREFORE I, GLORIA M. ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. DUTIES AND RESPONSIBILITIES. As part of the authority of the Presidential Adviser on Revenue Enhancement to investigate cases in the Large Taxpayers Units of the Bureau of Internal Revenue, with the concurrence of the Secretary of Finance, he may initiate the filing of appropriate action, if warranted, against persons liable for the violation of pertinent laws, rules and regulations in relation to the said Large Taxpayers Units.

SECTION 2. FUNDING. The Office of the PARE shall be provided with an allocation of Ten Million Pesos (P10,000,000.00) from the Office of the President to enable him to exercise said function.

SECTION 3. REPEALING CLAUSE. All other orders, issuances, rules and regulations or parts thereof which are inconsistent with this Administrative Order are hereby repealed or modified accordingly.

SECTION 4. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 6th day of May, in the year of Our Lord, two thousand and nine.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 264

**MANDATING THE ANTI-TERRORISM COUNCIL TO ORGANIZE AND CARRY OUT THE
SCHEDULED ACTIVITIES IN CONNECTION WITH THE 7TH ASIA-EUROPE MEETING
CONFERENCE ON COUNTER-TERRORISM**

WHEREAS, the Asia-Europe Meeting (ASEM) has developed a comprehensive partnership between Asia and Europe through joint activities and functional cooperation in its political, economic and cultural pillars;

WHEREAS, the ASEM dialogue has increasingly yielded consensus and mutual understanding on political and security cooperation through yearly ASEM Conferences on Counter-Terrorism, which have been held in Beijing (2003), Berlin (2004), Semarang (2005), Copenhagen (2006), Tokyo (2007) and Madrid (2008);

WHEREAS, the Philippines shall host the 7th ASEM Conference on Counter-Terrorism in 2009;

NOW THEREFORE I, GLORIA M. ARROYO, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Executive Committee – The Anti-Terrorism Council (Council) and its member agencies shall constitute the Executive Committee for the purpose of organizing and implementing activities in connection with the Philippines' hosting of the 7th Conference on Counter-Terrorism (Conference).

SECTION 2. Agency Support – The Council shall closely coordinate the integrated assistance by obtaining technical, financial and administrative support from its member agencies and other agencies where appropriate and the heads of the Local Government Units where the ASEM conference and related activities will be held.

SECTION 3. Tasks and Functions – For the above purpose, the Council shall perform, among others, the following tasks and functions:

3.1. Formulate a work program and budget plan for the hosting of the Conference and related activities;

3.2. Implement the work program and supervise and monitor all activities related thereto;

3.3. Call upon any official, agent, employee agency or instrumentality of the national government for any assistance that may be necessary to ensure the success for the Philippine hosting of the Conference and its related activities;

3.4. Engage the support, assistance and cooperation of international, intergovernmental and non-government organizations and private sector entities in the preparations and conduct of the conference, as and when necessary;

3.5. Subject to existing laws, rules and regulations, enter into agreements and contracts necessary for the attainment of this Order.

SECTION 4. Funding – The initial funding requirement for the preparation of the Conference in the amount of Five Million Pesos (P5,000,000.00) shall be charged against the International

Cooperation Fund. Additional funds as may be necessary shall be sourced from funds as may be determined by the Secretary of Budget and Management.

SECTION 5. – This Order shall take effect immediately.

DONE in the City of Manila, this 7th day of May, in the year of Our Lord Two Thousand and Nine.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 265
PROVIDING FREE LEGAL AID FOR THE POOR

WHEREAS, the Public Attorney's Office (PAO) is the principal law office of the government that provides free legal aid to the poor;

WHEREAS, the Presidential Commission on the Urban Poor (PCUP) is mandated to coordinate the speedy implementation of government policies and programs for the urban poor;

WHEREAS, most of the urban poor in the country is concentrated in Metro Manila;

NOW THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. The PAO and the PCUP shall work together on programs of providing free legal aid to Metro Manila urban poor.

Section 2. All Administrative Orders, rules, and regulations and other issuances or parts thereof, which are inconsistent with this Administrative Order, are hereby revoked, amended, or modified accordingly.

Section 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 14th day of MAY, in the year of Our Lord, Two Thousand and Nine.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 266
TAKING ACTION ON CELLULAR PHONE COMPLAINTS

WHEREAS, the National Telecommunications Commission (NTC) is the sole body that exercises jurisdiction over the supervision, adjudication and control over all telecommunications services throughout the country;

WHEREAS, the Commission on Information and Communications Technology (CICT) is the primary policy, planning, coordinating, implementing, regulating and administrative entity of the Government for the promotion, development and regulation of cost-efficient communication facilities and services;

NOW THEREFORE, I, GLORIA MACAPAGAL- ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. The NTC and CICT are hereby instructed to act on cellular phone complaints from dropped calls to disappearing loads.

Section 2. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 11th day of June, in the year of Our Lord, Two Thousand and Nine.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 267
CREATING A HEALTH, EDUCATION, LIVELIHOOD, PROGRESS TASK FORCE FOR
CENTRAL MINDANAO

WHEREAS, there is a need for different government efforts, i.e. peace, security and development, in dealing with internal armed conflict with the Moro Islamic Liberation Front (MILF) to be pursued simultaneously in a coordinated and integrated fashion;

WHEREAS, the conflicts in Central Mindanao revolve around the atrocities perpetrated by three lawless MILF renegades known as Commanders Kato, Bravo and Pagalian and military pursuit to bring said MILF renegades;

WHEREAS, the different key government agencies operating in Central Mindanao can benefit greatly from increased coordination and cooperation.

WHEREAS, the structure of such coordination and cooperation can be patterned after the Health, Education, Livelihood Progress (HELP) for Basilan and Sulu Program.

NOW, THEREFORE, I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by the Constitution and laws of the land, do hereby order:

SECTION 1. Health, Education, Livelihood, Progress Task Force-Central Mindanao (HELP-CM) – The HELP-CM is hereby formed and shall be composed of the following:

1. The Presidential Adviser on the Peace Process (PAPP)
2. The Presidential Adviser for Mindanao
3. The Chairman, Government Peace Negotiating Panel with the MILF (GPNP-MILF)
4. The Regional Governor, Autonomous Region of Muslim Mindanao (ARMM)
5. The Provincial Governor of Maguindanao
6. The Provincial Governor of North Cotabato
7. The Provincial Governor of Sultan Kudarat
8. The Executive Officer, National Disaster Coordinating Council
9. The Region XII Director, Department of Social Welfare and Development
10. The Eastern Mindanao Commander, Armed Forces of the Philippines
11. The 6th Infantry Division Commander, Philippine Army
12. The Director, ARMM, Philippine National Police (PNP)

The HELP-CM Task Force shall be convened by the PAPP. Its Executive Officer shall be the Chairman, GPNP-MILF

SECTION 2. Core Mandate. – The HELP-CM Task Force shall be the mechanism for convergence, i.e. enhanced cooperation, coordination, policy consistency, adoption of a common framework, information sharing and problem-solving activities, of the different agencies in the MILF-related conflict-affected areas in Central Mindanao, to achieve the following goals:

- 1.) Forging a peaceful, negotiated final political settlement with the MILF, including the effective implementation of ceasefire, development and monitoring agreements;
- 2.) Addressing the concerns arising from continued armed hostilities, the protection and civilian communities and non-combatants, especially from lawless MILF renegades;
- 3.) Reducing the impact of the conflict on the communities in the conflict-affected areas, especially the internally displaced persons (IDPs);
- 4.) Pursuing “humanitarian offensives” to address the root causes of conflict, i.e. poverty and exclusion from access to education, employment and livelihood.

SECTION 3. Technical Support. – The GPNP-MILF Secretariat shall serve as the Secretariat for the HELP-CM Task Force and shall provide the necessary technical and administrative support. It shall also serve as the repository of all documents and records of the HELP-CM Task Force.

The HELP-CM Task Force may tap the assistance of, and may call upon, representatives of any government agency, government-owned and controlled corporation, civil society organization, international aid agency and other entities to assist in the performance of its mandate.

SECTION 4. Funding. – The Department of Budget and Management is hereby directed to release, through the GPNP-MILF, the amount of Ten Million Pesos (P10,000,000) from the Contingent Fund to cover operational and project expenses of the HELP-CM Task Force.

SECTION 5. Effectivity. – This Order shall take effect immediately

Done in the City of Manila, this 29th day of June, in the year of Our Lord, Two Thousand and Nine.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 268

**ORDERING THE DEPARTMENT OF HEALTH TO TAKE PRELIMINARY STEPS TOWARD
LOCAL MANUFACTURERS AND LOW-COST IMPORTATION OF FLU VACCINES UNDER
COMPULSORY LICENSING MANDATED BY LAW DURING NATIONAL HEALTH
EMERGENCIES AND OTHER RELATED INSTRUCTIONS**

WHEREAS, it is desirable to show government action against the Influenza A(H1N1) pandemic, while signaling to current vaccine makers and dealers that they face low-cost competition if they engage in profiteering and supply curtailment;

WHEREAS, price controls should not be imposed for now, or else the rich will just buy up the supply, and the Philippines may not get its vaccine allocation from global manufacturers;

WHEREAS, vaccines for Influenza A(H1N1) are still awaited from abroad;

WHEREAS, Sections 10-13 of Republic Act No. 9502 or the “*Universally Accessible Cheaper and Quality Medicines Act of 2008*” mandates the granting of license to exploit and waives the requirement to obtain a compulsory license for importation of patented drugs on reasonable commercial terms in situations of national emergency or other circumstances of extreme urgency;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Department of Health shall take preliminary steps toward local manufacturers and low-cost importation of flu vaccines under compulsory licensing mandated by law during national health emergencies.

SECTION 2. Accordingly, the Department of Health shall begin contacting local and foreign manufacturers for possible production, so that such firms can begin studying the vaccines for replication.

SECTION 3. The Department of Health shall see to it that profiteering is prosecuted, based on excessive mark-ups on vaccines bought from distributors and manufacturers at reasonable prices.

SECTION 4. The Department of Health, directly or through any authorized government agency, shall buy the bulk of deliveries of Influenza A(H1N1) vaccines to ensure enough supply for high-risk groups.

SECTION 5. This Order shall be effective immediately.

DONE in the City of Manila, this 20th day of July, in the year of Our Lord, Two Thousand and Nine.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 269

CREATING A COMMITTEE TO COORDINATE OFFICIAL ACTS AND OBSERVANCES IN
CONNECTION WITH THE FUNERAL ARRANGEMENTS FOR THE LATE CORAZON C.
AQUINO, FORMER PRESIDENT OF THE PHILIPPINES

WHEREAS, Corazon C. Aquino, former President of the Philippines, died on August 1, 2009, to the deep sorrow and anguish of the Filipino people;

WHEREAS, it is only fitting and proper that appropriate official acts and observances be carried out in connection with the funeral arrangements for the former President, commensurate with the people's love and respect for her;

NOW, THEREFORE, I, GLORIA MACAPAGAL ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby create an Committee on the Funeral of the Late President Corazon C. Aquino, composed of the following officials or their duly-designated acting representatives:

The Executive Secretary	Chairman
The Secretary of Foreign Affairs	Member
The Secretary of National Defense	Member
The Secretary of the Interior and Local Government	Member

In addition, representatives duly designated by the Senate, the House of Representatives, and the Supreme Court, as well as of the family of the late President, are invited as Members.

The Committee is hereby empowered to create such sub-committees as may be necessary to assist it in the performance of its functions,

DONE in the City of New York for Manila, Philippines, this 1st day of August, in the year of Our Lord, Two Thousand and Nine.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 270

DIRECTING THE VARIOUS HEADS OF THE DEPARTMENTS, BUREAUS, AND AGENCIES UNDER THE EXECUTIVE BRANCH, INCLUDING GOVERNMENT OWNED AND CONTROLLED CORPORATIONS AS WELL AS LOCAL GOVERNMENT UNITS (LGUs) TO MOBILIZE THEIR RESPECTIVE OFFICIALS AND EMPLOYEES IN THE RELIEF AND REHABILITATION OF CALAMITY-STRICKEN AREAS AFFECTED BY TYPHOON “ONDY”.

WHEREAS, it is the principle of the State to protect life, liberty and property and to promote the general welfare that are essential for the enjoyment by all the people of the blessings of democracy;

WHEREAS, under the 1987 Constitution, the President of the Philippines shall have control over all departments, bureaus and agencies under the Executive Branch as well as supervision over local government units;

WHEREAS, the local government unit is authorized by its police power to enact ordinances and make regulations, not repugnant to law, as may be necessary to carry into effect and discharge the powers and duties conferred upon it by law and those necessary and proper to provide for the health and safety, promote the prosperity, improve the morals, peace, good order, comfort, and convenience of the LGU and the inhabitants thereof and for the protection of the property therein;

WHEREAS, typhoon “Ondoy” has brought catastrophic devastation, both in terms of loss of lives and properties, and has crippled the local economy in major areas in the National Capital Region and provinces within Regions III and IV-A;

WHEREAS, there is an urgent need to conduct intensive, massive and effective relief and rehabilitation effort to prevent and curtail the continuing suffering of calamity victims toward their eventual rehabilitation and recovery from the devastation brought by typhoon “Ondoy”;

NOW, THEREFORE I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order:

Section 1. The heads of departments, bureaus and agencies under the Executive Branch, including government owned and controlled corporations are hereby directed, and local government units in the National Capital Region (NCR) and Regions III and IV-A hereby authorized, to temporarily mobilize their respective officials and employees to assist in the relief and rehabilitation of calamity-stricken areas brought about by typhoon “Ondoy”, in coordination with the National Disaster Coordinating Council (NDCC).

Section 2. In accordance with this Order, and to maximize all relief and rehabilitation efforts, the heads of executive departments, bureaus, offices and local government units in areas affected by typhoon “Ondoy”, are accorded the discretion to exempt their officials and employees, who are part of such effort, from observing the normal office hours and from performing their regular duties until such time that rehabilitation of affected areas is completed or terminated.

Section 3. The heads of departments, bureaus and agencies under the Executive Branch, including government owned and controlled corporations as well as local government units in affected areas are authorized to determine the duration and extent of participation of their officials and employees in the relief and rehabilitation effort in order not to prejudice the delivery of government services.

Section 4. This Administrative Order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 29th day of September, in the year of our Lord Two Thousand and Nine.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 271
PROVIDING FOR THE COMPOSITION AND ADDITIONAL FUNCTIONS OF THE SPECIAL
NATIONAL PUBLIC RECONSTRUCTION COMMISSION CREATED UNDER EXECUTIVE
ORDER NO. 838 AND ESTABLISHING ITS SECRETARIAT

WHEREAS, Executive Order No. 838 dated October 22, 2009 created the Special National Public Reconstruction Commission (“Public Commission”) to undertake a study of the causes, costs and actions to be taken in the wake of typhoons Ondoy, Pepeng and Frank, and to seek fresh aid to fund reconstruction;

WHEREAS, Section 2 of EO No. 838 provides for the creation of the Secretariat to be composed of the National Economic and Development Authority and the Office of Civil Defense to provide technical and administrative support to the Public Commission;

WHEREAS, in pursuit of the mandate of the Public Commission, there is a need to define the composition of the Commission and the functions of the Secretariat, and make provisions for the Secretariat’s staff, budget and organization;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Composition of the Special National Public Reconstruction Commission. The Commission shall include the following members:

The Secretary of Finance, as chairperson
The Chairman of the National Disaster Coordinating Council
The Secretary of Social Welfare and Development
The Chairman of the Housing and Urban Development Coordinating Council

The head of the Private Sector Reconstruction Commission, referred to in Section 4 of EO 838, shall be invited to attend the meetings of the Public Commission.

SECTION 2. Additional Functions of the Commission. The Commission shall recommend to the President the reconstruction and other related projects to be funded by government and government-administered financial resources under the Commission’s oversight based on studies of the causes of calamities, damage and needs assessments, and the disaster reconstruction and recovery master plan drafted jointly with the private sector reconstruction body.

The Commission shall formulate and promulgate its internal procedures and operational activities.

A majority of all the members of the Commission shall constitute a quorum. Matters for decision shall be approved by a majority vote of all members present.

SECTION 3. Secretariat of the Special National Public Reconstruction Commission. The Secretariat of the Special National Public Reconstruction Commission shall be provided by the National Economic Development Authority and the Office of the Civil Defense to perform

administrative, technical and external relations functions for the aforementioned Commission. The primary functions of the Secretariat are as follows:

- a. Act as the technical and administrative arm of the Public Commission, maintaining records of Commission deliberations, decisions, and activities; coordinating meetings, events and other activities of the Commission; and gathering, commissioning and/or providing information, data, expert studies, recommendations and other technical support for the Commission's work;
- b. Compile and maintain a database of reports on the sourcing and disbursement of funds, and the implementation of reconstruction projects and other disaster recovery undertakings under the Commission's oversight; and provide timely reports, alerts and advisories to expedite and enhance these funding and project activities, and to update on the same the President, the Commission, and other key officials and entities as instructed by the President or the Commission;
- c. Liaise and/or coordinate with public officials and entities, local government units and leaders, sectoral/private sector groups and key figures, foreign entities and international organizations, and other parties whose support, input and/or participation is needed in Commission activities and undertakings;
- d. Implement information and advocacy programs for Commission stakeholders, the media and the public to publicize the Commission's accomplishments, projects, activities, beneficiaries, and other matters of interest, to build/maintain support for the Commission's mandate and undertakings, and to maintain high standards of transparency in the Commission's affairs and disaster recovery projects;
- e. Assist the private sector reconstruction body and the projects under its supervision and/or funding to obtain from government entities the permits, incentives, support activities/facilities, and other needed state assistance for the successful and effective implementation of the private sector projects; and
- f. Undertake any other activities/functions that the President or the Commission shall assign for the fulfillment of the Commission's mandate and/or projects.

SECTION 4. Head of the Secretariat. The Secretariat shall be headed by the Commission Secretary, who shall be of Cabinet rank.

SECTION 5. Duties and Responsibilities of the Commission Secretary. The Commission Secretary shall be appointed by the President of the Philippines, with the rank, salary, benefits and emoluments of a Cabinet member. He/she shall have the following duties and responsibilities:

- a. Determine internal procedures, staffing and activities of the Reconstruction Commission secretariat, and direct the its operations;
- b. Preside over meetings convened by the Secretariat in support of campaigns, projects and other activities undertaken or overseen by the Commission;
- c. Represent the Commission in discussions and other activities with the private sector reconstruction body, referred to in Section 4 of EO 838, donors and other funding entities, local government units, communities and sectors to be served by the Commission's projects, and other stakeholders, unless other representatives are designated by the Commission for certain parties and/or activities;

- d. Act as spokesperson of the Commission to the public and the media;
- e. Undertake any other activities/functions that the President or the Commission shall assign for the fulfillment of the Commission's mandate and/or projects.

SECTION 6. Provision for Budget, Staff, Equipment and Supplies. In order to effectively carry out its functions, the Secretariat shall be staffed with the required manpower to be determined by the Secretary and appointed by him or detailed/seconded by other agencies, as requested by the Secretary. Provisions shall be made to provide the necessary office space, office equipment and supplies, official vehicles and other logistics necessary for the secretariat's operations.

An initial fund of Three Million Pesos (P3,000,000.00) will be provided from the Contingency Fund to immediately carry out the provisions of this Administrative Order. The allocation shall be reimbursed from the calamity fund to be enacted by Congress or other disaster recovery and reconstruction funds to be raised by the Commission. The future budgets of the Commission and the Secretariat shall be recommended by the Commission for approval by the President, and sourced from appropriate funds in the General Appropriations Act and/or external donations raised by the Commission.

SECTION 7. Repealing Clause. All administrative orders, rules and regulations inconsistent with any provision of this Administrative Order shall be deemed revoked, amended or modified accordingly.

SECTION 8. Separability Clause. If any part of this Administrative Order is deemed contrary to law, the same shall not invalidate the entirety thereof and the remaining provisions shall remain in full force and effect.

SECTION 9. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila on this 9th day of November, 2009.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 272

TRANSFERRING THE FINANCE AND ADMINISTRATION OFFICES OF THE OFFICE OF
THE PRESIDENTIAL ADVISER ON THE PEACE PROCESS TO THE OFFICE OF THE DEPUTY
EXECUTIVE SECRETARY FOR FINANCE AND ADMINISTRATION,
OFFICE OF THE PRESIDENT

WHEREAS, the Office of the Presidential Adviser on the Peace Process (OPAPP) is provided with technical and administrative support by its own Secretariat, which is under the direct control and supervision of the Presidential Adviser;

WHEREAS, the President, pursuant to Section 31, Chapter 10, Book III of Executive Order No. 292, otherwise known as the Administrative Code of 1987, is vested with continuing authority to reorganize the Office of the President and the agencies under her administrative control and/or supervision;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Transfer of OPAPP Finance and Administration. The Finance and Administration Services of the Office of the Presidential Adviser on the Peace Process shall be undertaken directly by the Office of the Deputy Executive Secretary for Finance and Administration of the Office of the President.

Sec. 2. Repealing Clause. All executive issuances inconsistent with any provision of this Administrative Order shall be deemed revoked, amended or modified accordingly.

Sec. 3. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila on this 11th day of November, 2009.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 273
**TRANSFERRING THE SUPERVISION OVER AUTONOMOUS REGIONS FROM THE OFFICE
OF THE PRESIDENT TO THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT**

WHEREAS, under Section 15, Article X of the Constitution and under the R.A. 9054, the Organic Act for the Autonomous Region of Muslim Mindanao, the President shall exercise general supervision over autonomous regions to ensure that laws are faithfully executed;

WHEREAS, under the Administrative Code of 1987, the President has the power to transfer any function under the Office of the President to any department or agency;

NOW THEREFORE I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by law, do hereby transfer the supervision over autonomous regions to the Department of Interior and Local Government.

DONE in the City of Manila, this 27th day of November, in the year of Our Lord, Two Thousand and Nine.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:
(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 273-A
DELEGATING THE SUPERVISION OVER AUTONOMOUS REGIONS TO THE DEPARTMENT
OF INTERIOR AND LOCAL GOVERNMENT

WHEREAS, under Section 15, Article X of the Constitution and under the R.A. 9054, the Organic Act for the Autonomous Region of Muslim Mindanao, the President shall exercise general supervision over autonomous regions;

WHEREAS, under the Administrative Code of 1987, the President has the power to transfer any function under the Office of the President to any department of agency;

WHEREAS, in accordance with the Administrative Code of 1987, Administrative Order No. 273 dated 27 November transferred the supervision over autonomous regions to the Department of Interior and Local Government;

WHEREAS, notwithstanding the Administrative Code of 1987, certain quarters question such transfer of supervision;

WHEREAS, delegation of power is allowed on the basis of the doctrine of “qualified political agency”;

NOW THEREFORE I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by law, do hereby order:

SECTION 1. The supervision over autonomous regions is hereby delegated to the Department of Interior and Local Government.

SECTION 3. All issuances inconsistent with this order are hereby repealed or amended accordingly.

DONE in the City of Manila, this 2nd day of December, in the year of Our Lord, Two Thousand and Nine.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 274

AMENDING ADMINISTRATIVE ORDER NO. 225 SERIES OF 2008 HARNESSING IDLE RESOURCES TO UPLIFT THE POOR AND BOOST RICE SUPPLY TO CUSHION THE COUNTRY FROM PRICE SPIKES, AS AMENDED BY ADMINISTRATIVE ORDER 225-A AND ADMINISTRATIVE ORDER 244 SERIES OF 2008 AUTHORIZING THE DEPARTMENT OF AGRICULTURE THE USE OF P4.0 BILLION FROM FEES, REVENUES AND RECEIPTS FROM SERVICE CONTRACT (SC) NO. 38 FOR THE RICE SUFFICIENCY PROGRAMS OF THE GOVERNMENT

WHEREAS, on April 1, 2006, Administrative Order No. 225 was issued mandating the government-owned and controlled corporations and government financial institutions to allocate five percent (5%) of their 2007 surplus for projects in rice, low cost consumer and medicine outlets, Philhealth and microfinance in accordance with relevant laws, charters and by-laws;

WHEREAS, on May 6, 2008, in recognition of the need to mitigate the risks involved in agricultural lending, Administrative Order No. 225 was amended by Administrative Order 225-A, which established the Agricultural Guarantee Fund Pool;

WHEREAS, there is an urgent need for the relief and rehabilitation of farmers and farmlands affected by typhoons like Ondoy (Ketsana) and Pepeng (Parma) and as they are, and will be further, affected by climate change;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Section 1 of Administrative Order No. 225, as amended by Administrative Order 225-A, is hereby further amended by inserting a new Subsection designated as Section 1-A to read as follows:

“Section 1-A: From the accumulated 2009 contributions to the AGFP, an amount to be determined by the Department of Agriculture shall be earmarked for the benefit of farmers and farm lands damaged by Typhoons like Ondoy (Ketsana) and Pepeng (Parma) to be used for calamity loans, crop insurance, post-harvest facilities and other climate change mitigation and adaptation measures.”

Section 2. The Department of Agriculture shall issue the corresponding implementing guidelines for this purpose.

Section 3. All other provisions of Administrative Order No. 225 series of 2008, as amended by Administrative Order 225-A series of 2008, not otherwise inconsistent with the provisions of the preceding Section shall remain unchanged, valid and existing.

Section 4. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 7th day of December, in the year of Our Lord, Two Thousand and Nine.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 275
CREATING AN INDEPENDENT COMMISSION TO ADDRESS THE ALLEGED EXISTENCE OF
PRIVATE ARMIES IN THE COUNTRY

WHEREAS, the existence of private armed groups is contrary to our Constitution and laws which provide that there shall be only one police force that is national in scope, civilian in character and administered and controlled by the National Police Commission;

WHEREAS, it is the policy of the State to maintain peace and order, protect life, liberty and property, and promote the general welfare so that all the Filipino people shall enjoy the blessings of democracy;

WHEREAS, it is a declared policy of this Administration to have peaceful elections;

NOW THEREFORE I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by law, do hereby order:

SECTION 1. Creation and Mandate. – There is hereby created in independent Commission to address the alleged existence of private armies in the country by investigating the existence of private armed groups with a view to dismantling them permanently.

SECTION 2. Composition. – The Commission shall be composed of representatives from the Catholic Bishops Conference of the Philippines, the Ulama League of the Philippines, the Armed Forces of the Philippines, the Philippine National Police and the media.

SECTION 3. Duties and Functions. – The Commission shall have, among others, the following primary duties and functions:

- a) Prioritize and focus investigation of the existence of private armies in the country;
- b) Be the government's sole voice on the issue of private armies;
- c) Make a report to the President outlining its action and policy recommendations including appropriate prosecution and legislative proposals if any, aimed at eliminating the existence of private armies prior to the May 2010 elections;

SECTION 4. Elimination and Prosecution. – The law enforcement agencies of the government shall prioritize the dismantling of private armies in accordance with the instructions of the Commission, with the aim to eliminate them prior to the May 2010 elections.

The Department of Justice shall prioritize the prosecution of members and leaders of such private armed groups, with a view to their conviction at the soonest possible time.

SECTION 5. Powers. – The Commission shall have, among others, the following powers:

- a) It shall have all the powers of an investigative body under Section 37, Chapter 9, Book I of the Administrative Code of 1987, including the power to summon witnesses, administer oaths, take testimony or evidence relevant to the investigation and to issue

- compulsory processes to produce documents, books, records and such other matters in the performance of its functions;
- b) It shall have the power to clear or disapprove all pertinent media statements by any member of the Administration;
 - c) It shall have the power to promulgate the necessary implementing rules and regulations as may be necessary to carry out the provisions of this Administrative Order;
 - d) It shall have the power to call upon any agency of the Government for such assistance as it may require in the discharge of its functions;
 - e) It shall have the power to engage the services of resource persons, professionals and other personnel which may be necessary to carry out its functions;
 - f) It shall have the power to deputize the Armed Forces of the Philippines, the National Bureau of Investigation, the Philippine National Police, the Department of Justice, and any other law enforcement agency to assist it in the performance of its functions;
 - g) It shall have the power to perform any other acts as may be necessary and appropriate to implement this Order.

SECTION 6. Secretariat. – The Commission shall be an independent body. It shall be supported by a Secretariat composed of technical and administrative personnel which shall provide staff support to the Commission.

SECTION 7. Funding. – The Office of the President shall provide the funds for the operation of the Commission.

SECTION 8. Agencies' Support. – The various departments, bureaus, offices, agencies or instrumentalities including government-owned or -controlled corporations are hereby directed to extend such assistance and cooperation as the Commission may need in the discharge of its functions.

SECTION 9. Effectivity. – This Administrative Order shall take effect immediately upon its publication in a national newspaper of general circulation.

DONE in the City of Manila, this 8th day of December, in the year Two Thousand and Nine.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 275-A
AMENDING THE COMPOSITION OF THE INDEPENDENT COMMISSION TO INVESTIGATE
THE ALLEGED EXISTENCE OF PRIVATE ARMIES

WHEREAS, Administrative Order No. 275 was issued on December 8, 2009, creating an independent Commission to investigate the existence of private armed groups;

WHEREAS, the membership of the Commission should include a representative from the legal sector;

NOW THEREFORE, I, GLORIA MACAPAGAL ARROYO, President of the Philippines, by the powers vested in me by law, do hereby order:

SECTION 1. The membership of the independent Commission shall include a retired member of the judiciary and a representative from a non-government organization against crime.

SECTION 2. Section 2 (Composition) of AO 275 (2009) is hereby amended accordingly.

SECTION 3. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 4th day of January, 2010

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2010). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 276
AUTHORIZING THE GRANT OF PRODUCTIVITY ENHANCEMENT INCENTIVE
FOR FY 2009

WHEREAS, government employees have continued to serve the public with dedication and efficiency even amidst economic difficulties brought about by the global financial crisis as well as during natural adversities that devastated our country in the last quarter of 2009;

WHEREAS, in the past years, the commendable services of government employees were rewarded through the one-time grant of Performance Bonus;

WHEREAS, the Senate and House of Representatives Joint Resolution No. 4 approved on June 17, 2009 authorizes the President of the Philippines to modify the Compensation and Position Classification System of Civilian Personnel and the Base Pay Schedule of Military and Uniformed Personnel in the Government;

WHEREAS, Item 4(h)(ii)(bb) of the foregoing Joint Resolution authorizes the President of the Philippines to grant Productivity Enhancement Incentive (PEI) for the personnel of the Executive Branch and Local Government Units (LGUs), as a form of incentive to motivate their efforts towards continued improved performance;

WHEREAS, the Department of Budget and Management (DBM) and the Civil Service Commission (CSC) jointly recommended the grant of PEI to government employees as an incentive for their contribution to improved productivity in their respective agencies.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Productivity Enhancement Incentive for Employees in the Executive Branch. Government employees in the Executive Branch, including those in government-owned or controlled corporations (GOCCs) and government financial institutions (GFIs), whether hired on permanent, temporary, casual, or contractual basis, are entitled to receive a one-time grant of a maximum of Ten Thousand Pesos (P10,000.00) each as Performance Enhancement Incentive (PEI), subject to the following conditions:

- a. Employees have rendered at least four (4) months of service for the year, as of November 30, 2009;
- b. Employees who have rendered less than four (4) months of service as of November 30, 2009, shall also be entitled to the PEI on a pro-rated basis as follows:

Length of Service	Percentage
3 months but less than 4 months	40%
2 months but less than 3 months	30%
1 month but less than 2 months	20%
Less than 1 month	10%

- c. Employees have not received any additional year-end benefit in FY 2009 over and above the benefit authorized under Republic Act (RA) No. 6686, as amended by RA No. 8441.

SECTION 2. Funding Source of the PEI for the Executive Branch. Funds needed for the grant of the PEI to employees of the Executive Branch shall be charged against the following:

- a. For regular national government agencies, the amount required shall be charged against:
 - ii. Savings from the unreleased appropriations under the FY 2009 budget which shall be pooled by the Department of Budget and Management (DBM) for the purpose to cover the additional funds to be released by the DBM in the amount of Seven Thousand Pesos (P7,000.00) for each personnel; and
 - iii. Savings in the respective agency allotment for the remaining Three Thousand Pesos (P3,000.00) for each personnel. In the event that the agency savings are insufficient to cover in full the remaining P3,000.00 per employee, partial implementation of the said benefit shall be made at a uniform rate for all qualified employees.
- b. For GOCCs and GFIs, the amount required shall be charged against the savings from their respective approved corporate operating budgets. A GOCC or GFI which does not have adequate or sufficient funds may partially implement the PEI at a uniform rate for all qualified employees.

SECTION 3. PEI for Employees of LGUs. Employees in the local government units (LGUs) may also be granted PEI by their respective sanggunian, depending on the LGU financial capability, chargeable to local government funds, subject to the Personal Services limitation in their respective local government budgets under RA No. 7160 and subject further to the conditions in Section 1 hereof. The PEI shall be in lieu of the Additional Benefit/Extra Cash Gift authorized in previous years.

SECTION 4. PEI for Employees in the Legislative and Judicial Branches, and other Offices Vested with Fiscal Autonomy. Employees in the Senate, House of Representatives, the Judiciary, the Office of the Ombudsman, and Constitutional Offices vested with fiscal autonomy may likewise be granted PEI by their respective heads of office at rates not exceeding the amount of Ten Thousand Pesos (P10,000.00), chargeable against their respective available savings in allotment, subject to the conditions in Section 1 hereof.

SECTION 5. Payment of the PEI. The payment of the PEI to all government employees shall be made immediately.

SECTION 6. Guidelines in the Release of Funds for the Purpose. The DBM shall issue the necessary guidelines for the funding requirements to implement this Administrative Order.

SECTION 7. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 15th day of December, in the year of Our Lord, Two Thousand and Nine.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2009). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 277

**CREATING AN INDEPENDENT COMMITTEE TO REVIEW, ASSESS AND EVALUATE ALL
THE IMPORTANT SMUGGLING AND TAX EVASION CASES HANDLED BY THE BUREAU OF
INTERNAL REVENUE AND THE BUREAU OF CUSTOMS**

WHEREAS, in line with the efforts of the government to continually undertake measures to enhance revenue collections, there is a need to assess the success rate of the Bureau of Internal Revenue (BIR) and the Bureau of Customs (BoC) in the prosecution of smuggling and tax evasion cases, and to establish mechanisms for improvement;

WHEREAS, the President has the continuing authority to reorganize the Office of the President pursuant to Executive Order No. 292, as amended (Revised Administrative Code);

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me under the Constitution and existing laws, do hereby order:

Section 1. *Creation of a Review Committee on Smuggling and Tax Evasion Cases.* A Review Committee on Smuggling and Tax Evasion Cases is hereby created under the Office of the President which shall review, assess and evaluate all the important smuggling and tax evasion cases handled by the Bureau of Internal Revenue (BIR) and the Bureau of Customs (BoC) and make appropriate recommendations to improve the success rate in the prosecution, resolution and/or disposition of these cases.

Section 2. *Composition.* The Committee shall be composed of a retired member of the judiciary and a representative each from the private sector and the media.

Section 3. *Functions.* The Committee shall perform the following functions:

- a. Review, evaluate and assess all important smuggling and tax evasion cases handled by the BIR and BoC which resulted in the dismissal, or to a decision, resolution or judgment which is unfavorable to the government;
- b. Determine causes of the dismissal or rendition of unfavorable decision, resolution or judgment both at the administrative and judicial levels;
- c. Conduct an inventory of all pending smuggling and tax evasion cases and identify priority cases for intensified prosecution or for immediate disposition/resolution;
- d. Upon review and evaluation of the aforementioned cases, formulate recommendations to further improve the success rate of the BIR and BoC in the prosecution of smuggling and tax evasion cases; and
- e. Discharge such other functions that are necessary to effectively and efficiently achieve its mandate.

Section 4. *Reportorial Requirement.* The Committee shall prepare and submit to the President, through the Executive Secretary, within ninety (90) days from the appointment of at least three (3) members a report containing its findings and recommendations. Upon submission of its report, the Committee shall cease to exist unless otherwise directed by the President.

Section 5. *Cooperation and Support of Concerned Agencies.* The Department of Justice, Department of Finance, BIR, BoC and all other concerned offices are hereby enjoined to extend such assistance and cooperation as the Committee may need in the discharge of its functions, including the submission of all pertinent documents requested and/or required by the Committee.

Section 6. *Secretariat.* — The BIR and BoC shall provide secretariat support to the Committee.

Section 7. *Funding.* — The Office of the President shall provide the funds for the operation of the Committee.

Section 8. *Repealing Clause.* All other orders, issuances, rules and regulations or parts thereof which are inconsistent with this Administrative Order are hereby repealed or modified accordingly.

Section 9. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 29th day of January, in the year of Our Lord, two thousand and ten.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2010). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 277-A

AMENDING SECTION 2 OF ADMINISTRATIVE ORDER NO. 277, SERIES OF 2010
CREATING AN INDEPENDENT COMMITTEE TO REVIEW, ASSESS AND EVALUATE ALL
THE IMPORTANT SMUGGLING AND TAX EVASION CASES HANDLED BY THE BUREAU OF
INTERNAL REVENUE AND THE BUREAU OF CUSTOMS

WHEREAS, Administrative Order No. 277 dated 29 January 2010, created the Independent Committee to review, assess and evaluate all the important smuggling and tax evasion cases handled by the Bureau of Internal Revenue and the Bureau of Customs;

WHEREAS, under Section 31, Chapter 10, Title III, Book III of the Administrative Code of 1987, the President has the continuing authority to reorganize the administrative structure of the Office of the President;

NOW THEREFORE I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by law, do hereby order:

Section 1. *Composition.* - The composition of the Committee shall be amended such that it shall be composed of a retired member of the judiciary and two representatives each from the private sector and the media.

Section 2. *Repealing Clause.* - All other executive issuances, orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Executive Order are hereby repealed or modified accordingly.

Section 3. *Effectivity.* - This Executive Order shall take effect immediately.

DONE in the City of Manila, this 19th of February, in the year of Our Lord, Two Thousand and Ten.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2010). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 278
PROVIDING MEASURES FOR THE OPTIMUM UTILIZATION OF WATER RESOURCES IN
METRO MANILA

WHEREAS, the water level in Angat Dam has fallen to an alarming level, which may be aggravated by the forecasted El Niño conditions during the first quarter of 2010;

WHEREAS, as a consequence, a shortfall in water supply for Metro Manila is expected;

WHEREAS, there is a critical need to institute appropriate measures to ensure the optimum utilization of water resources for Metro Manila;

WHEREAS, there is a need to actively implement water conservation measures and to improve the operational efficiency of water service providers (e.g., reduce the level of non-revenue water) to maximize the limited supply of water.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Declaration of Policy. The Government shall adopt urgent and decisive measures to address the water shortage in Metro Manila to protect the health and well-being of the population.

Sec. 2. The following measures are hereby adopted to mitigate the effects of water shortages:

- a. The Department of Environment and Natural Resources (DENR), through the National Water Resources Board (NWRB), shall appropriately cut-down water allocation and actual releases to the Metropolitan Waterworks and Sewerage System (MWSS) and the National Irrigation Authority (NIA) effective January 2010;
- b. The DENR, with the NWRB, the MWSS, and the Public Information Agency (PIA) shall undertake a massive information, education and communication campaign to encourage people to implement water conservation measures;
- c. All Local Government Units (LGUs) in Metro Manila through the barangays shall monitor and report all water leaks and pilferages to the concerned Water Concessionaire;
- d. The MWSS and its Concessionaires shall actively pursue and immediately respond to all complaints of water leaks within twenty four (24) hours and shall ensure that the leaks are repaired within 3 to 5 days after receiving the complaints;
- e. The Philippine National Police shall assist the MWSS and Water Concessionaires in the enforcement of anti-pilferage measures;
- f. The LGUs in Metro Manila shall expedite the grant of permits for the repair of water leaks by allowing the 2 concessionaires to apply for permits directly with the barangay concerned with a copy of the permit furnished the Office of the Mayor for recording purposes;
- g. The Department of Public Works and Highways (DPWH), the Metro Manila Development Authority (MMDA) and other concern government agencies shall provide

immediate assistance to the MWSS and Water Concessionaires in improving water service delivery;

- h. The Department of Trade and Industry (DTI), in coordination with the Department of Finance (DOF), shall work for the grant of incentives for the production of goods that conserve water and establishments undertaking optimum water conservation and utilization in Metro Manila;
- i. The Department of Agriculture, through the National Irrigation Authority, shall terminate or schedule land soaking activities of Angat-Maasim River Irrigation System (AMRIS) service areas to maximize the use of available water for irrigation;
- j. All government agencies and instrumentalities shall assign water marshals and shall undertake water conservation and assessment program, using as reference point, water consumption in January 2010, and submit monthly comparative report of water consumption to the NWRB.

Sec. 3. The Angat Hydro-Electric Plant shall be exempted from use for ancillary services.

Sec. 4. The National Economic & Development Authority, in coordination with NWRB and MWSS, shall engage experts in identifying all possible options on demand-side management (e.g., use of water-free urinals, off-the-shelf environmental-friendly practices), operational efficiency improvement (e.g., reduction in non-revenue water) and new water supply sources that will avert the water crisis, and analyzing each identified option/intervention in terms of “value for money”.

Sec. 5. The DENR, through the NWRB, shall take the lead in the preparation of the detailed action plan and coordinate activities to implement this Order.

Sec. 6. All Departments, agencies and instrumentalities of Government are hereby directed to provide assistance in the implementation of this Order.

Sec. 7. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 8th day of February, in the year of Our Lord, Two Thousand and Ten.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **EDUARDO R. ERMITA**

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (2010). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 278-A
AMENDING ADMINISTRATIVE ORDER NO. 278 SERIES OF 2010 PROVIDING MEASURES
FOR THE OPTIMUM UTILIZATION OF WATER RESOURCES IN METRO MANILA

WHEREAS, on February 8, 2010, Administrative Order No. 278 was issued to institute appropriate measures to ensure optimum utilization of water resources for Metro Manila in view of the alarming level of which the Angat Dam has fallen due to El Niño conditions in the first quarter of 2010;

WHEREAS, there is a need to amend said Order in connection with the use of Angat Hydro-Electric Plant for ancillary service since said plant is one of the few generating facility connected to the Luzon Grid that can provide Ancillary Service essential to ensure quality, reliability, adequacy, security, stability and integrity to the Luzon Grid mandated by the Philippine Grid Code;

WHEREAS, the exemption of the Angat Hydro-Electric Plant from use for Ancillary Services is intended only for the duration of the El Niño condition and while National Power Corporation continues to operate the Angat Hydro-Electric Plant;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Section 3 of Administrative Order No. 278 is hereby amended as follows:

“Sec. 3, the Angat Hydro-Electric Plant shall be exempted from use for Ancillary Service for the duration of the El Niño condition in 2010 and while the National Power Corporation continues to operate the same.”

SECTION 2. All other provisions of Administrative Order No. 278, series of 2010 shall remain unchanged, valid and existing.

SECTION 3. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 6th day of April, in the year of Our Lord, Two Thousand and Ten.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By Authority of the President:

(Sgd.) **LEANDRO R. MENDOZA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2010). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 279

CREATING AN INTER-AGENCY TASK FORCE FOR THE PREVENTION OF FILIPINOS BEING USED AS DRUG COURIERS BY INTERNATIONAL DRUG TRAFFICKING SYNDICATES

WHEREAS, the State is mandated to promote the welfare of Filipinos overseas pursuant to Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995;

WHEREAS, it is of critical importance that the State safeguard public interest and protect overseas Filipinos from the tactics of international drug trafficking syndicates;

WHEREAS, the State recognizes the hazardous menace of illegal drugs and international drug traffickers to society;

WHEREAS, there is an alarming increase in the number of Filipinos who have been enticed, duped, and subsequently recruited to act as drug couriers by international drug trafficking syndicates;

WHEREAS, many of the Filipinos recruited as drug couriers have been apprehended by police authorities and are now facing stiff penalties, with some of them meted with death sentences by foreign courts;

WHEREAS, there is a need to conduct an intensive and unrelenting campaign against drug syndicates responsible for victimizing the Filipino as drug courier;

WHEREAS, the fight against illegal drugs is a gargantuan task where all available government resources should be utilized and concerned law enforcement agencies must coordinate closely and act jointly to ensure the implementation of a holistic and unified anti-drug program that will address the problem of drug couriers;

WHEREAS, the Administrative Code of 1987 provides that the President has the continuing authority to reorganize the administrative structure of the Executive Branch of the government;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Creation of a Task Force - There is hereby created an Inter-Agency Task Force for the prevention of Filipinos being used as drug couriers, otherwise known as Drug Couriers Task Force (TFDC).

Section 2. Composition - The Task Force shall be composed of the following:

Chairman	:	Philippine Drug Enforcement Agency (PDEA)
Co-Chairman	:	Department of Foreign Affairs (DFA)
Members	:	Department of Labor and Employment (DOLE)
		Bureau of Immigration (BI)
		Bureau of Customs (BOC)
		National Bureau of Investigation (NBI)
		Philippine Information Agency (PIA)
		Manila International Airport Authority (MIAA)
		Philippine Tourism Authority (PTA)

Section 3. Functions - The TFDC shall:

1. develop and execute programs and strategies against the modus operandi, particularly the recruitment of Filipinos as international drug couriers by international drug trafficking syndicates that victimize overseas Filipinos;
2. develop and execute programs and strategies towards closer coordination among the agencies in combating the enticement and recruitment of Filipinos as drug couriers by international drug trafficking syndicates;
3. develop and execute programs and strategies towards a sustained media campaign to deter the cases of Filipinos being recruited as drug couriers by international drug trafficking syndicates;
4. orchestrate all operational efforts and provide assistance towards a more aggressive apprehension and prosecution of members of drug trafficking syndicates operating in the Philippines;
5. develop and execute programs and strategies towards closer coordination with counterpart agencies of other countries for the formulation and execution of bilateral or regional actions against recruitment of Filipinos as drug couriers by international drug trafficking syndicates; and,
6. undertake other activities as may be necessary for the achievement of the abovementioned functions.

Section 4. Assistance - The TFDC is hereby authorized to call upon all other agencies and instrumentalities of the Philippine government as well as non-government organizations, whose assistance and support may be deemed necessary to the effective dispatch of the functions of the TFDC. The departments, agencies and instrumentalities called upon by the TFDC for assistance are hereby directed to extend their full cooperation.

Section 5. Funding - The Office of the President shall provide the initial budget from the Contingent Fund, for the operations, administration and programs of the TFDC. The budget for the succeeding years shall be included in regular budget of the Office of the President.

Section 6. Separability Clause - Should any part or provision of this Administrative Order be held unconstitutional or invalid, the other parts or provisions hereof shall not be affected and shall continue to be in full force and effect.

Section 7. Effectivity - This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 8th day of February, in the year of our Lord, Two Thousand and Ten.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2010). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 280
AUTHORIZING THE INVESTORS ASSURANCE CORPORATION TO BECOME A SURETY
UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal, or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified, is, by the laws of the Philippines or by the regulations or resolutions on any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust, and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of a department, court, judge, officer, board, or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract, or undertaking, unless such corporation has been authorized to do business in the Philippines in the manner provided by the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds, and undertakings;

WHEREAS, the **Investors Assurance Corporation** is a domestic corporation duly organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, GLORIA MACAPAGAL ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the **INVESTORS ASSURANCE CORPORATION** to become a surety upon official recognizances, stipulations, bonds, and undertakings in such manner and under such conditions as are provided by law, except that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

DONE in the City of Manila, this 15th day of February, in the year of Our Lord, Two Thousand and Ten.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) EDUARDO R. ERMITA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2010). [*Administrative Order Nos.: 111 - 288*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 281

CREATING A NATIONAL ORGANIZING COMMITTEE TO SUCCESSFULLY PLAN AND EXECUTE THE PROGRAMS TO CELEBRATE THE HONOR OF THE PHILIPPINES AS THE ASEAN CULTURAL CAPITAL (2010-2011) USHERED IN WITH THE AMCA-SOMCA MEETINGS AND THE 4TH ASEAN FESTIVAL OF ARTS TO BE HELD IN CLARK, PAMPANGA, ON MARCH 22–26, 2010

WHEREAS, the Philippines is honored for the first time with the title of ASEAN Cultural Capital as the host of the 4th Meeting of the ASEAN Ministers Responsible for Culture and the Arts (AMCA), AMCA+3, and 4th ASEAN Festival of Arts (AFA) scheduled in Pampanga in 22-26 March 2010, in conjunction with the observance of the United Nations Educational Scientific and Cultural Organization (UNESCO) International Theater Institute (ITI) World Theater Week Observance and the United Nations International Women's Day Observance on the International Year of the Rapprochement of Culture and Biodiversity, as declared by the United Nations (UN);

WHEREAS, the honor can best be applied to project the Philippines as a cultural gateway to the ASEAN region in order to provide a heritage-habitat-history and arts-based tourism that can promote the creative industries and artistic products of our indigenous communities and those of member countries of ASEAN and strengthening its cultural interaction with the different continents of the world;

WHEREAS, UNESCO and ITI, through their respective resolutions, declared the Philippines as the venue for the UNESCO ITI World Congress held on 20-29 May 2006 and presided by UNESCO Director-General Kotchiro Matsuura himself;

WHEREAS, there is a need to recognize the Communique of the Heads of States 12th Summit Meeting held in Cebu in 12-15 January 2007 presided by President Gloria Macapagal-Arroyo;

WHEREAS, the Philippines has ratified the ASEAN Charter where the newly established social cultural committee has recognized the objective of strengthening ASEAN awareness and building a sense of regional community and social concerns of reaching out to vulnerable groups to guarantee education for all, environmental sustainability, food security, and climate change adaptation and mitigation can be facilitated through culture as a force for communications and information in motivating the collective will to overcome poverty;

WHEREAS, the Philippines during the 40th anniversary of ASEAN has hosted the ASEAN Performance and Media Arts Workshop, "Ancestral Roots to New Routes of Artistic Expression: Mobilizing Cultural Diversity to Achieve the United Nations Millennium Development Goals: (UN MDGs); with the support of the ASEAN Secretary-General in 2007 following the successful holding of the UNESCO-ITI 31st Congress in Manila in 2006 attended by Director-General Matsuura;

WHEREAS, a national organizing committee is incumbent on the Philippine Government to undertake such preparations in the successful execution that will be ushered in with an event in Pampanga and with continuous meaningful and relevant programs throughout the country;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Composition of the National Committee. – I hereby designate the following or their duly authorized representatives to compose the National Committee:

Chairperson	: Secretary, Department of Foreign Affairs
Co-Chairperson	: Chairman, National Commission for Culture and the Arts
Vice Chairperson	: Secretary, Department of Social Welfare and Development
Co-Vice Chairperson	: Secretary, Department of Tourism
	Secretary, Department of Education
Members	: Secretary, Department of Environment and Natural Resources
	Chairman, Commission on Higher Education
	Secretary, Department of Health
	Director-General, National Anti-Poverty Commission
	Director-General, Technical Education and Skills Development Authority
	Secretary, Department of Labor and Employment
	Secretary, Department of Agrarian Reform
	Secretary, Department of Interior and Local Government
	Secretary, Department of Public Works and Highways
	Secretary, Department of Trade and Industry
	Secretary, Department of Science and Technology
	Secretary, Department of National Defense
	Secretary, Department of Agriculture
	Secretary, Department of Transportation and Communications
	Press Secretary
	Vice-Chairman/Executive Director, Climate Change Commission
	Secretary of the Philippine Information Agency
	Presidential Adviser/National Commission on Youth
	Chairman, Commission on Human Rights
	President, Clark Development Corporation
	Executive Director, National Sports Commission
	Executive Director, National Indigenous Peoples Commission
	Executive Director, Office of Muslim Affairs
	President, International Theater Institute – Philippine Center
	Chairman, National Sports Commission
	President, Cultural Center of the Philippines

SECTION 2. Functions of the National Committee. – The National Committee shall prepare the appropriate two-year national program to implement the honor of the Philippines as the ASEAN Cultural Capital, which shall be implemented throughout the regions of the Philippines. The National Committee shall also undertake the necessary preparations for the participation of concerned agencies in national and international conferences – highlighting the role of the Philippines as ASEAN Cultural Capital – the development of educational and communication materials and other such functions as the committee may deem necessary to effect such mandate.

Particularly, the National Committee shall undertake the preparations for and ensure the orderly and successful conduct of the 4th ASEAN Festival of the Arts, the 4th Meeting of the ASEAN Ministers Responsible for Culture and Arts (AMCA), AMCA+3, the 7th Senior Officials Meeting for Culture and Arts (SOMCA), and SOMCA+3 on 22 – 26 March 2010.

The National Committee may secure the cooperation of all government and private instrumentalities to ensure the success of its program. It shall be in liaison with the appropriate Senate and House committees. The National Committee shall organize a Secretariat co-chaired by the Executive Director of the National Commission for Culture and the Arts (NCCA) and the President of the ITI – Philippine Center/UNESCO, in liaison with the Department of Foreign Affairs, coordinating with various agencies that will implement the programs and projects of the National Committee, which will include staff members coordinating for the indigenous people; environmental non-government organizations (NGOs) and eco-communications groups; coordinating with media groups and the *Kapisanan ng mga Brodkaster sa Pilipinas* (KBP); with Philippine Association of State Universities and Colleges (PASUC) and educational institutions in the tertiary level; for the business sector; Hotel and Restaurant Association of the Philippines and other groups such as the Philippine Business for Social Progress (PBSP) and the Management Association of the Philippines (MAP) to assist hospitality needs; and the Metro Manila Development Authority (MMDA) for Metro Manila Mayors and for venue needs utilize the newly-restored Metropolitan Theater, Fort Santiago with the Intramuros Administration (IA) and Cultural Center of the Philippines (CCP) as base of performances and exhibitions in Manila and working throughout the regions to focus on the wealth of cultural diversity for the UN MDGs.

The National Committee may create such subcommittees as it may deem necessary.

SECTION 3. Funding. – The funds necessary to carry out the provisions of this Administrative Order shall be funded jointly by budgetary appropriations from the government and from private sector contributions and from available funds as may be identified by the department of Budget and Management.

SECTION 4. Repealing Clause. – All provisions of Administrative Order No. 28, Series of 1993, which are inconsistent with the provisions of this Administrative Order are hereby repealed or amended accordingly.

SECTION 5. Effectivity. – This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 1st day of March, in the year of Our Lord, Two Thousand and Ten.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) LEANDRO R. MENDOZA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2010). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 282
INTENSIFYING THE PROTECTION OF THE WHALE SHARK (RHINCODON TYPUS),
POPULARLY KNOWN AS “BUTANDING”, IN THE PHILIPPINE WATERS

WHEREAS, the 1987 Constitution mandates that the State shall protect and advance the right of the Filipino people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, Republic Act No. 9147 (Wildlife Resources Conservation and Protection Act of 2001), Republic Act No. 8550 (Philippine Fisheries Code of 1998), and Executive Order No. 578 have enshrined as a State policy the conservation and protection of wildlife species and their habitats to promote ecological balance and maintain biological biodiversity, and to ensure and secure the well-being of present and future generations of Filipinos;

WHEREAS, the presence of the whale shark in Philippine waters demonstrates the richness of the country's marine biodiversity, and affirms studies that identify the Philippines as one (1) of the eighteen (18) mega-biodiverse countries in the world;

WHEREAS, the whale shark as the largest fish is considered not only one of most charismatic animals of the sea but also one of the most endangered due to commercial and artisanal fishing;

WHEREAS, the whale shark is listed in both Appendix II of the CITES considering that trade in the species is strictly regulated, and Appendix II of the Convention on Migratory Species (CMS) since the species has an unfavorable conservation status and would benefit significantly from international cooperation aimed at conserving them;

WHEREAS, whale shark watching is providing a significant boost to promote ecotourism and augmenting livelihoods for coastal communities;

WHEREAS, the Philippines hosted a Technical Meeting for the Elaboration of a Conservation and Management Plan for Migratory Sharks and the 3rd Meeting on International Cooperation on Migratory Sharks under the Convention on Migratory Species of Wild Animals;

WHEREAS, the Philippines is a signatory to the Memorandum of Understanding (MOU) that was successfully negotiated in the 3rd Meeting on International Cooperation on Migratory Sharks under the Convention on Migratory Species of Wild Animals;

WHEREAS, the whale sharks that thrive in Philippine waters continue to be threatened and killed despite existing legal measures for their protection;

WHEREAS, the recent incident of whale shark killing last February 15, 2010 in Tingloy, Batangas was a direct affront to the Philippine government as host to the meeting of experts that crafted the Conservation Plan for Migratory Sharks and as signatory to the MOU to achieve and maintain a favorable conservation status for migratory sharks based on the best available scientific studies;

WHEREAS, the need to further intensify international and national protection efforts to conserve the species and to sustain the ecotourism development in certain coastal communities in the country has become manifest;

THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby mandate the following:

Section 1. *Locating, Monitoring and Protecting the Whale Shark Pathways in Philippine Waters.* The Armed Forces of the Philippines (AFP) through the Philippine Navy, the Coast Guard, the Philippine National Police (PNP), Maritime Command, the Department of Agriculture (DA) through its Bureau of Fisheries and Aquatic Resources (BFAR), the Department of Environment and Natural Resources (DENR), and concerned Local Government Units (LGUs), shall coordinate with academe and marine fisheries expert to locate, monitor, and protect the whale sharks' pathways in Philippine waters. These pathways shall be mapped in appropriate scale for the information of the general public. The government enjoins the cooperation of all seagoing vessels, both foreign and local, in the conduct of the above-mentioned endeavor.

Section 2. *Mandatory Rescue of Wounded Whale Sharks.* Concerned Local Government Units (LGUs) are hereby enjoined to render mandatory rescue efforts to any wounded whale shark found within their area of jurisdiction. Upon sighting of a wounded whale shark, the LGUs concerned shall immediately coordinate with any unit of the Philippine Navy, Coast Guard, PNP Maritime Command, DA and DENR for proper care, treatment and eventual release.

Section 3. *Investigation and Prosecution of Suspected Violators.* The National Bureau of Investigation (NBI) and National Prosecution Service (NPS) of the Department of Justice (DOJ) shall intensify their respective efforts in the investigation, filing, and prosecution of criminal cases involving violation of laws, rules and regulations on the protection of whale sharks;

Section 4. *Reward or Incentive.* A person who provides information leading to the arrest of any person harming or killing a whale shark, or who leads to the rescue or protection of a wounded whale shark, shall receive a reward or incentive from the government. The DA and DENR are hereby directed to draft the implementing rules hereof.

Section 5. *Funding.* The amount of Fifteen Million Pesos (Php15,000,000.00) from the Presidential Social Fund is hereby provided to support capacity building and monitoring and enforcement activities of the LGUs and the National Government Agencies to implement this Order.

Section 6. *Repealing Clause.* All proclamations, executive orders, rules and regulations, and other issuances or parts thereof, which are inconsistent with this Executive Order, are hereby revoked, amended or modified accordingly.

Section 7. *Separability Clause.* Should any provision of this Order be declared unconstitutional or invalid, the validity of the remaining provisions hereof shall be unaffected thereby.

Section 8. *Effectivity.* This Administrative Order shall take effect immediately after its publication in a national newspaper of general circulation.

DONE, in the City of Manila, this 16th day of March, in the year of Our Lord, Two Thousand and Ten.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) LEANDRO R. MENDOZA

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2010). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 283

DESIGNATING THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS (DOTC) AS THE LEAD AGENCY FOR THE PHILIPPINE HOSTING OF THE INTERNATIONAL DIPLOMATIC CONFERENCE TO ADOPT THE AMENDMENTS TO THE 1978 INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING (STCW) FOR SEAFARERS, AS AMENDED IN 1995, AND THE STCW CODE

WHEREAS, the Philippines is a State Party to the 1978 International Convention on Standards of Training, Certification and Watchkeeping (STCW) for seafarers, as amended in 1995, otherwise known as the STCW Convention;

WHEREAS, the STCW Convention is a maritime safety convention and it is administered under the auspices of the International Maritime Organization (IMO);

WHEREAS, the Department of Transportation and Communications (DOTC) is the main government agency responsible for Philippine participation in the IMO through the Maritime Industry Authority (MARINA) as Flag State Administration and the Philippine Coast Guard (PCG) as the Port State Control Administration of the country;

WHEREAS, the IMO through its Sub-Committee on Standards of Training and Watchkeeping (STW) has been deliberating amendments to the STCW Convention and the STCW Code in the light of recent developments involving the competence, training, certification and education of seafarers;

WHEREAS, the IMO Maritime Safety Committee (MSC) in its 84th Session held from 7-16 May 2008 noted the progress of the work relating to the comprehensive review of the STCW Convention and the STCW Code by the IMO Sub-Committee on STW and endorsed the holding of a Diplomatic Conference in 2010 to adopt amendments emanating from the comprehensive review.

WHEREAS, the Philippines, being the major supplier of trained, qualified and competent seafarers, has offered to host the International Diplomatic Conference to Adopt the Amendments to the STCW Convention and the STCW Code in 2010;

WHEREAS, there is a need to constitute a national committee to organize and carry out efficiently all activities relative to this International Diplomatic Conference, and other related meetings thereto;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. LEAD AGENCY. The Department of Transportation and Communications (DOTC) shall be the lead agency to organize the hosting of this international diplomatic conference.

Section 2. VICE-CHAIRS. The Department of Foreign Affairs (DFA) and the Department of Labor and Employment (DOLE) shall act as Vice-Chairs.

Section 3. LEAD SECRETARIAT. The Maritime Industry Authority (MARINA), as the Flag State Administration of the Philippines, shall be the Lead Secretariat.

Section 4. AGENCY SUPPORT. The DOTC shall coordinate and seek technical, financial and administrative support from the Office of the Executive Secretary (OES), Department of Budget and Management (DBM), National Economic and Development Authority (NEDA), Department of Finance

(DOF), Bangko Sentral ng Pilipinas (BSP), Maritime Industry Authority (MARINA), Philippine Coast Guard (PCG), Philippine Merchant Marine Academy (PMMA), Philippine Ports Authority (PPA), Cebu Ports Authority (CPA), Commission on Higher Education (CHED), Overseas Workers' Welfare Administration (OWWA), Philippine Overseas Employment Agency (POEA), Maritime Training Council (MTC), Department of Health, Department of Trade and Industry (DTI), Department of Tourism (DOT), Department of Public Works and Highways (DWH), Department of National Defense (DND), Department of Interior and Local Government (DILG), Department of Justice (DOJ), Bureau of Immigration (BI), National Bureau of Investigation (NBI), Office of the Press Secretary (OPS), Public Information Agency (PIA), Manila International Airport Authority (MIAA), Radio-Television Malacanang (RTVM), and from the private sector.

Section 5. TASKS AND FUNCTIONS. The DOTC shall perform the following tasks and functions:

5.1. Formulate and recommend a work program and budget plan for the hosting of this diplomatic conference to the President within 90 days from the signing of this Administrative Offer;

5.2. Implement the work program once approved by the President and supervises and monitors all activities in relation thereto;

5.3. Coordinate with the IMO Secretary-General and the IMO Secretariat for the hosting of activities;

5.4. Call upon any official, agent, employee, agency or instrumentality of the national or local government for any assistance that may be necessary to ensure the success of the Philippine hosting of this diplomatic conference;

5.5. Create Committees, task forces and other appropriate bodies to effectively carry out its objectives;

5.6. Subject to existing laws, rules and regulations, enters into agreements and contracts necessary for the attainment of the objectives of this Administrative Order including contracts for service.

Section 6. The Secretary of Transportation and Communication is hereby authorize to sign the 2010 STCW authorized to sign the 2010 Diplomatic Conference Hosting Agreement in behalf of the Philippine Government with the International Maritime Organization (IMO).

Section 7. The Administrator, Maritime Industry Authority (MARINA) is hereby designated as Special Envoy for the Philippine Hosting of this International diplomatic conference and make representation on behalf of the country for the following purposes:

7.1. Attend meetings of the International Maritime Organization (IMO) and other relevant international, regional and national forums and dialogues concerning the issues relating to human factors/human element in maritime safety, in general and the training and education o seafarers;

7.2. Present to the international community the Philippine plans for the hosting of this diplomatic conference in Manila in 2010;

7.3. Enter into contracts or agreements necessary to implement the Philippine plan for the hosting of this Diplomatic Conference;

Section 8. FUNDING. The funding requirement for the preparation and hosting of this STCW diplomatic conference in the amount of One Hundred Eighty Five Million Pesos (Php 185 Million) shall be charged against the International Commitment Fund (ICF) for 2010 as proposed for inclusion

by the Department of Transportation and Communications (DOTC) to the Department of Foreign Affairs (DA). Additional Funds, as may be necessary, shall be sourced from any available funds as may be determined by the Secretary of Budget and Management (DBM).

Section 9. ADMINISTRATIVE GUIDELINES. The DOTC may adopt such administrative guidelines or regulations as may be necessary to achieve the objectives of this Administrative Circular.

Section 10. EFFECTIVITY. This Administrative Order shall take effect immediately.

DONE in the City of Manila this 27th day of April, in the year of Our Lord Two Thousand Ten.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **LEANDRO R. MENDOZA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2010). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 284
DIRECTING THE NATIONAL HISTORICAL INSTITUTE TO LEAD THE ORGANIZATION
AND IMPLEMENTATION OF THE 112TH ANNIVERSARY OF THE PROCLAMATION OF
PHILIPPINE INDEPENDENCE ON JUNE 12, 2010

I, **GLORIA MACAPAGAL ARROYO**, President of the Philippines, by virtue of the powers vested in me by law, do hereby direct the National Historical Institute to lead the organization and implementation of the 112th Philippine Independence Day Celebration on June 12, 2010.

The Department of Budget and Management is hereby authorized to release the amount of Ten Million Pesos (P10,000,000.00), chargeable against the National Historical Institute's budget for FY 2010 to defray the expenses for the activities commemorating the 112th Anniversary of the Proclamation of Philippine Independence. Any deficiency shall be charged against the regular budget of the participating agencies.

This Order shall take effect immediately.

Done in the City of Manila, this 11th day of May, in the year of Our Lord, Two Thousand and Ten.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **LEANDRO R. MENDOZA**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2010). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 285
SETTING UP A TRANSITION COOPERATION TEAM AND INTRODUCING THE
TRANSITION BLUEPRINT

WHEREAS, the true hallmark of a strong, functioning democracy is a smooth transition to a new government;

WHEREAS, the outgoing Administration must do everything in its power to make sure the new government has the benefit, from day one, of a strong, stable, government ready to continue working on behalf of the people it was elected to serve;

WHEREAS, there is need for a transition cooperation team to work closely with the representatives of the next President to ensure a peaceful, orderly and effective transition on June 30;

NOW, THEREFORE I, GLORIA M. ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Presidential Transition Cooperation Team. There is hereby created a Presidential Transition Cooperation Team (PTCT), which shall be responsible for the overall-implementation, coordination and supervision of the entire transition blueprint provided in Section 2 herein and its corollary activities.

SEC. 2. Transition Blueprint. Transition planning shall be conducted to establish and define the processes and parameters that shall guide the government's operations during the transition period. Results of the planning shall be the formulation of a Transition Blueprint (TB), which will provide for efficient and effective turn-over and the continued functions of the bureaucracy in the early days of the next Administration.

The Blueprint, which shall cover all government departments, agencies, bureaus, government-owned and -controlled corporations (GOCCs), and other instrumentalities including attached agencies under the Office of the President, may include the following:

- a) Provide orderly and smooth transfer of power to the next Administration through:
 - ii) Readiness to orient the incoming President and his Cabinet Members and key officials on the government's structure, procedures and decisions flows;
 - iii) Readiness to provide information to the incoming Administration of the policies of various departments/agencies, their specific mandates, vision/mission, objectives, functional structures, key officers and their credentials, and other administrative information; and
 - iv) Proposals for continuity, particularly the clustered forward-looking national education program of the Department of Education, the Commission on Higher Education, and the Technical Education and Skills Development Authority as recommended by the Presidential Task Force on the Education System;
- b) Ensure seamless service delivery during the transition phase;
- c) Document the key accomplishments of the Arroyo Administration;

- d) Give due recognition to the persons, institutions and other organizations who have helped the Arroyo Administration achieve its goals.

SEC. 3. Composition of the PTCT. The PTCT shall be composed of the following:

The Executive Secretary as Chairperson
The Secretary of Foreign Affairs
The Secretary of Budget and Management
The Secretary of Education to represent the Presidential Task Force on the Education System
The Press Secretary
The Director-General of the National Economic and Development Authority
The Director-General of the Presidential Management Staff (PMS)
The Director-General of the Philippine Information Agency, with regard to the documentation of the key accomplishments of the Arroyo Administration.

The Office of the Executive Secretary and the PMS shall jointly provide technical and secretariat support to the PTCT.

SEC. 4. Functions of the PTCT. The PTCT shall perform the following specific functions:

- a) Serve as overall and central coordination committee of all government departments, agencies, bureaus, GOCCs and other instrumentalities on the preparation and implementation of the TB;
- b) Prepare guidelines on the specific preparations to be used by all government departments, agencies, bureaus, GOCCs, and other instrumentalities, for the turn-over;
- c) Direct and oversee the preparation of the agencies' respective TBs and the necessary transition reports;
- d) Consolidate agencies' reports into one (1) transition report which will be formally submitted to the incumbent President who may turn-over said documents to the President-elect;
- e) Identify and prepare an inventory of key positions and the roles and functions of departing Presidential appointees at each major department, bureau or agency to guide the President-elect with necessary information in hiring the new officials; and
- f) Serve as a clearing house for the recommendations of the Agency Transition Cooperation Teams provided in Section 5 herein, regarding the persons and/or organizations meriting the recognition of the Arroyo Administration in achieving its goals, and submit to the President the final list of said personnel and/or organization.

SEC. 5. Creation of Agency Transition Cooperation Teams (ATCT) and Coordinators. All government departments, agencies, bureaus, GOCCs and other instrumentalities including attached agencies under the Office of the President shall establish their respective ATCTs, as chaired by the Secretary or Head of the Agency and vice-chaired by the Senior Undersecretary or the Deputy Head of the Agency, with senior career officials as members. The ATCT shall:

- a) Prepare the Organizational Transition Reports (OTRs) and Functional Transition Reports (FTRs) of their respective departments, which are provided in Section 6 herein;
-

- b) Identify and summarize each agency's important policies, and internal management for the guidance and information of the next Administration's appointees;
- c) Conduct briefings for incoming officials;
- d) Conduct training exercises for the incoming officials and their staff to provide a working familiarity with each other and the processes that need to be followed;
- e) Establish systems and procedures for transition to ensure continued operations; and
- f) Extend technical and administrative assistance to the incoming Head of Office and his/her staff.

A Transition Coordinator shall be appointed to regularly coordinate with the PTCT on the status of the preparation and implementation of the department's/agency's transition plan.

SEC 6. Preparation and Submission of Reports. The departments/agencies' transition cooperation teams shall prepare and submit the following on or before May 31, 2010 to the PTCT:

- a) OTRs which shall provide the following formation:
 - ii) Information on the Organization (mandate and functions, organizational chart, profiles of officials and personnel at central and field levels);
 - iii) Strategic linkages including their public clientele;
 - iv) Resources (financial, physical), including accomplishments in the Rationalization/Streamlining Plan; and
 - v) Other challenges and proposed areas for action of the new head of office.
- b) FTRs which include the status of policies, reforms, ongoing as well as pipelined major programs/projects and legislative agenda and accomplishments.

SEC. 7. Funding. Funding for the transition plans and other related activities shall be sourced from the respective budgets of the departments/agencies/GOCCs.

SEC. 8. Effectivity. This Order shall take effect immediately.

DONE in the City of Manila, this 9th day of May, in the year of Our Lord, Two Thousand and Ten.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) LEANDRO MENDOZA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2010). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 286
MANDATING THE MINDANAO DEVELOPMENT AUTHORITY TO COORDINATE EFFORTS
FOR INTERNALLY DISPLACED PERSONS IN MINDANAO

WHEREAS, it is the primary duty and responsibility of the State of assist and protect internally displaced persons who were displaced as a result of armed conflict;

WHEREAS, under Section 2 of R.A. 9996 of the Mindanao Development Authority Act of 2010, it is declared a policy of the State to set up mechanism to “address the need for a coordinated and intergrated approach in the formulation and implementation of various Mindanao-wide inter-regional development plans, programs and projects”;

NOW, THEREFORE I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by the Constitution and the laws of the land do hereby order:

SECTION 1. Mandate. – The Mindanao Development Authority (MDA) is hereby mandated to lead the coordination of efforts by national, regional and local governments, including international and regional humanitarian and development organizations, to respond to the humanitarian and protection needs of the internally displaced persons (IDP’s) in Mindanao.

SECTION 2. Participating Agencies. – The following agencies shall participate in the coordinative efforts of the MDA:

Department of National Defense
National Disaster Coordinating Council
Department of Social Welfare and Development
The Presidential Adviser on the Peace Process
The Regional Governor, Autonomous Region of Muslim Mindanao

SECTION 3. Agencies’ Support. – The MDA may tap the assistance of any government agency, government-owned and controlled corporation, civil society organization, international humanitarian, development and aid agencies and other entities to assist in the performance of its mandate.

SECTION 4. Funding. – The implementation requirements to address the needs of IDP’s shall come from the budgets of the main participating agencies and the Contingent Fund as well as from development assistance.

SECTION 5. Repealing Clause. – All orders, issuances, rules and regulations or parts thereof which are inconsistent with this Administrative Order are hereby repealed or modified accordingly.

SECTION 6. Effectivity. – This Order shall take effect immediately.

DONE in the City of Manila, this 21st day of May, in the year of Our Lord Two Thousand and Ten.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) LEANDRO R. MENDOZA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2010). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 287

DIRECTING THE CHAIRMAN OF THE NATIONAL HISTORICAL COMMISSION OF THE PHILIPPINES TO LEAD THE ORGANIZATION AND IMPLEMENTATION OF PROGRAM OF ACTIVITIES IN COMMEMORATION OF THE 150TH BIRTH ANNIVERSARY OF JOSE RIZAL ON JUNE 19, 2011

WHEREAS, the patriotism and martyrdom of Philippine National Hero, Jose Rizal, served as a major turning point for the Filipinos to unite as people during the struggle for freedom and independence;

WHEREAS, June 19, 2011 marks the 150th Birth Anniversary of Jose Rizal, a milestone event that shall give Filipinos ample time and opportunity to rekindle his patriotic deeds and sacrifices;

WHEREAS, in order to have meaningful celebration, proper planning, organization and implementation of activities are required.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Chairman of the National Historical Commission of the Philippines is hereby directed to take the lead in the planning, coordination and implementation of program of activities and events starting with the countdown activities on June 19, 2010 until June 19, 2011.

Section 2. The National Historical Commission of the Philippines, as the lead agency to spearhead celebration, shall convene an inter-agency organizing task force to plan, coordinate and implement effectively all programs, projects and activities related to this milestone event.

Section 3. All departments, agencies, bureaus, offices, national agencies, local government units and government-owned and controlled corporations are hereby enjoined to give full support, assistance and cooperation to the Chairman of the National Historical Commission of the Philippines in the exercise of his responsibilities under this Administrative Order.

Section 4. All branches of the government are enjoined to actively participate in the celebration, as well as to enlist the participation of private sector groups and non-government organizations, so that the commemoration of Rizal's 150th Birth Anniversary truly reflects the spirit of patriotism, unity and national identity of the Filipino people and the nation as a whole.

Section 5. Local government units, together with the private sector groups and non-government organizations, and the Philippine Embassies abroad are likewise enjoined to celebrate this event in their respective localities, offices and posts.

Section 6. The Department of Budget and Management (DBM) is hereby directed to allocate the amount of **TEN MILLION PESOS (P10,000,000.00)** chargeable against the President Contingent Fund for the purpose and subject to existing and pertinent budgetary, auditing rules and regulations.

Section 7. In support of the celebration, all concerned government agencies and local government units, subject to budgetary laws and issuances, are authorized to allocate such amounts as may be necessary to defray expenses for the said event.

Done in the City of Manila, this 10th day of June, in the year of Our Lord, Two Thousand and Ten.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:
(Sgd.) LEANDRO R. MENDOZA
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2010). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

ADMINISTRATIVE ORDER NO. 288
**CREATING AN INTER-AGENCY BODY TO FACILITATE THE COMPREHENSIVE STUDY AND
PLANNING OF AN INTEGRATED DEVELOPMENT PROJECT IN PAMPANGA BAY**

WHEREAS, the Pampanga Bay can be potential site for a reclamation project considering the relatively shallow seabed over a large portion with an approximate area of 2,500 hectares which is almost double the size of the reclamation along Manila Bay;

WHEREAS, there is a need for the government to construct river dikes along two (2) major river systems to define the boundaries of river banks and create land strips with an average width of not less than one hundred (100) meters and extending from the towns proper of Lubao and Sasmuan up to the Pampanga Bay. Such and strips will provide areas for road right of way and for human settlements of mixed land uses following a linear type of development;

WHEREAS, the linear development will provide access through Sasmuan and Lubao with the construction of viaduct or causeway to link the bigger reclamation project within Pampanga Bay;

WHEREAS, development along river dikes can adopt maximum retention of existing land uses, e.g., residential, fishpond and mangrove areas. Possible ecotourism and other activities can be considered to generate investments and employment opportunities for the local residents.

NOW THEREFORE I, GLORIA M. ARROYO, President of the Philippines, by the powers vested in me by law, do hereby order:

Section 1. There is hereby created an inter-agency body to facilitate the conduct of a comprehensive study and planning of an integrated development project to include dike construction, reclamation and port project in Pampanga Bay and the Lubao-Sasmuan areas.

Section 2. The following government agencies shall be part of said inter-agency body: The Philippine Reclamation Authority as the lead unit; the Provincial Government of Pampanga and the municipal governments concerned; as support agencies, the Department of Public Works and Highways, the Department of Environment and Natural Resources, the Department of Health, the Bureau of Fisheries and Aquatic Resources of the Department of Agriculture; the Department of Tourism, and, on the port component, the Philippine Ports Authority.

Section 3. This Order shall take effect immediately.

Manila, 11 June 2010

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **LEANDRO R. MENDOZA**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (2010). *[Administrative Order Nos.: 111 - 288]*. Manila: Malacañang Records Office.



President Gloria Macapagal-Arroyo encourages the people to take on the dependable and affordable roll-on roll-off (RORO) service as she shoots the infomercial with Jagna Bay in the background.

